

The Public Service Company Law

Approved July 26, 1913

(Effective for all purposes January 1, 1914)

Establishing

The Public Service Commission

OF THE

COMMONWEALTH OF PENNSYLVANIA

And the Amendatory Act of June 3, 1915

With Complete Classified Index

September 1, 1915

ISSUED BY

THE PUBLIC SERVICE COMMISSION

OF THE

COMMONWEALTH OF PENNSYLVANIA

CIRCULAR No. 1.

HARRISBURG, PA.:

WM. STANLEY RAY, STATE PRINTER

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THE PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF PENNSYLVANIA

COMMISSIONERS:

WILLIAM D. B. AINEY, *Chairman*,
SAMUEL W. PENNYPACKER,
JOHN S. RILLING,
WILLIAM A. MAGEE,
MILTON J. BRECHT,
JOHN MONAGHAN,
THOMAS B. SMITH.

WILLIAM N. TRINKLE,
Counsel.

ARCHIBALD B. MILLAR,
Secretary.

BERNE H. EVANS,
Ass't. Counsel.

JOHN P. DOHONEY,
Investigator of Accidents.

GEORGE A. WOOD,
Marshal.



THE PUBLIC SERVICE COMPANY LAW.

No. 854.

AN ACT

Defining public service companies: and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporations, and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases: providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employees; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled "An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains." by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission: and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled "An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals:" and an act, entitled "To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars " approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act.

ARTICLE I.

Definitions.

The Public
Service Company
Law.

Section 1. Be it enacted, &c., That this act shall be known, and may be cited, as "The Public Service Company Law."

"Public Service
Company."

The term "Public Service Company," when used in this act, includes all railroad corporations, canal corporations, street railway corporations, stage line corporations, express corporations, baggage transfer corporations, pipe line corporations, ferry corporations, common carriers, Pullman car corporations, dining car corporations, tunnel corporations, turnpike corporations, bridge corporations, wharf corporations, incline plane corporations, grain elevator corporations, telegraph corporations, telephone corporations, natural gas corporations, artificial gas corporations, electric corporations, water corporations, water-power corporations, heat corporations, refrigerating corporations, sewage corporations, doing business within this State, and also all persons engaged for profit in the same kind of business within this Commonwealth: Provided, however, Such persons and corporations shall not be subject to the provisions of this act, with respect to any business transacted or any property owned by them outside of the Commonwealth of Pennsylvania; nor shall the provisions of this act be so construed as to extend to any matter or thing which, under the Federal Constitution, the Congress of the United States has the exclusive power to regulate, or which the Congress has, under said Constitution, in the exercise of its concurrent power, in fact regulated, to the exclusion of the concurrent power of the several States: And provided further, That none of the provisions of this act shall apply to the generation, transmission, or distribution of electricity; to the manufacture or distribution of gas; to the furnishing or distribution of water; or to the production, delivery, or furnishing of steam, or any other substance for heat or power, by a producer, who is not otherwise a public service company, for the sole use of such producer, or for the use of tenants of such producer, and not for sale to others.

Proviso.

Proviso.

"Corporation."

The term "Corporation," as used in this act, shall be construed to include all bodies corporate, joint stock companies, or associations, domestic or foreign, their lessees, assignees, trustees, receivers, or other successors in interest, having any of the powers or privileges of corporations not possessed by individuals or partnerships, and shall not include municipal corporations, except as otherwise provided in this act.

The term "Municipal Corporation," as used in this act, shall include all cities, boroughs, towns, townships, or counties, created or organized under any general or special law of this Commonwealth. "Municipal corporation."

The term "Person," as used in this act, means all individuals, partnerships, or associations, other than corporations. "Person."

The term "Railroad Corporation," as used in this act, includes every corporation owning, leasing, operating, or managing or controlling, any railroad for public use within this Commonwealth. "Railroad corporation."

The term "Railroad," as used in this act, includes every railroad other than a street railway, by whatsoever power operated, for public use in the conveyance of passengers or property, or both, with all bridges, ferries, tunnels, facilities, plant, and equipment thereof. "Railroad."

The term "Street Railway Corporation," as used in this act, includes every corporation owning, leasing, operating, or managing or controlling, any street railway within this Commonwealth. "Street railway corporation."

The term "Street Railway," as used in this act, includes every railroad and railway, by whatsoever power operated, or any extension or extensions thereof, for public use in the conveyance of passengers or property, or both, being mainly or in part located upon, over, above, below, across, through, or along any street, avenue, road, highway, bridge, or public place, including the facilities, plant, and equipment thereof. "Street railway."

The term "Common Carrier," as used in this act, includes any and all common carriers, whether corporations or persons, engaged for profit in the conveyance of passengers or property, or both, between points within this Commonwealth, by, through, over, above, or under land or water, or both. "Common carrier."

The term "Conveyance of passengers or property," as used in this act, includes any and all service in connection with the receiving, transportation, elevation, transfer in transit, ventilation, refrigeration, icing, storage, handling, and delivering of property, baggage, or freight, as well as any and all service in connection with the transportation or carrying of passengers. "Conveyance of passengers or property."

The term "Service" is used in this act in its broadest and most inclusive sense, and includes any and all acts done, rendered or performed, and any and all things furnished or supplied, and all and every the facilities used or furnished or supplied by public service companies in the performance of their duties to their patrons, employes, and the public, as well as the interchange of facilities between two or more public service companies. "Service."

The term "Facilities," as used in this act, includes all plant and equipment of a public service company, which includes all tangible real and personal prop- "Facilities."

erty, buildings, materials, easements, right of way, rights of trackage, subways, tunnels, railroads, street railways, tracks, canals, and all animals, locomotives, apparatus, appliances, devices, instruments, appurtenances, freight cars, refrigerator cars, baggage cars, express cars, passenger cars, drawing-room cars, parlor cars, sleeping cars, dining cars, rolling-stock, carriages, cabs, hansom, taxicabs, vehicles, boats, ships, vessels, bridges, barges, cables, conduits, converters, transformers, condensers, wires, poles, structures, telegraph lines, telephone lines, crossbars, engines, machines, dynamos, boilers, motors, storage batteries, switchboards, waterfalls, water-power stations, power stations, pumping stations, reservoirs, purifiers, oil tanks, gas tanks, holders, retorts, ducts, pipes, pipe galleries, pipe lines, mains, meters, lamps, scrubbers, wharves, piers, docks, ferries, incline planes, side tracks, spurs, turn outs, switches, systems, stations, depots, terminals, terminal facilities, water or gas jet, wells, and any and all other means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with, the business of any public service company: Provided, however, That no property owned by the Commonwealth of Pennsylvania or municipality thereof, at the date when this act becomes effective, shall be subject to the Commission or to any of the terms of this act, except as elsewhere provided herein.

Proviso.

The term "Commission," when used in this act, means the Public Service Commission created by this act.

"Commission."

The term "Commissioner," when used in this act, means one of the members of such commission.

"Commissioner."

ARTICLE II.

Duties and Liabilities of Public Service Companies.

Section 1. It shall be the duty of every public service company—

Service.

(a). To furnish and maintain such service, including facilities, as shall in all respects be just, reasonably adequate, and practically sufficient for the accommodation and safety of its patrons, employees, and the public, and in conformity with such reasonable regulations or orders as may be made by the commission.

Rates.

(b). To render and furnish all such service at prices, charges, rates, tolls, fares, or compensation that shall be just and reasonable, and in conformity with such reasonable regulations or orders as may be made by the commission.

Repairs, extensions, etc.

(c). To make all such repairs, changes, alterations, and improvements in or to such service, including facilities, as shall be reasonably necessary for the

accommodation or safety of its patrons, employees, and the public.

(d). Whenever and in the form required by the commission to file with the commission tariffs and schedules, showing prices, charges, rates, fares, tolls, or other compensation asked, demanded, or received for any service rendered or furnished by said company, and, if a common carrier, showing the method of distribution of trains, cars, vehicles, boats, motive power, or other facilities operated or owned by said common carrier. It shall also be the duty of every public service company to post and publish such tariffs and schedules, including, if a common carrier, schedules showing the method of distribution of trains, cars, vehicles, boats, motive power, or other facilities, in every office or station of said public service company open to the public, where payments are made by shippers, consumers, users, or patrons, in such manner, form, and place in such office or station as to be readily accessible, and so that the said tariffs and schedules may be conveniently inspected by the public, and, similarly, in such other places as the commission may require. In case of railroad or other common carriers, telegraph and telephone corporations, such tariffs and schedules shall conform to those required by the Interstate Commerce Commission. Every public service company shall also file with, and as a part of, such tariffs and schedules, and post as directed, all rules and regulations that in any manner affect the said prices, charges, rates, fares, tolls, or other compensation, or the distribution of trains, cars, vehicles, boats, motive power, or other facilities. Upon application, the commission may limit and restrict the number and character of such tariffs and schedules, and the number of offices or stations at which the same are required to be posted, as aforesaid.

Tariffs and
schedules.

(e). Where any public service company jointly acts or participates or connects with any other public service company in the performance of any service, to make and file with the commission, when so required by it, and post and publish as hereinbefore provided, the tariffs or schedules of the joint rates, prices, charges, fares, or tolls adopted or in force between them (including, when directed, the rules and regulations, contracts and practices, affecting or relating to the same), which must be just and reasonable, and not more in the aggregate, nor in the apportionment thereof between said companies, than may be prescribed by any order of the commission:—

Joint rates,
tariffs and
schedules.

Provided, however, That the tariffs or schedules of such joint rates, prices, charges, fare, or tolls need only be filed by one of the said public service companies; and the other company or companies, with the

Proviso.

Filing of tariffs,
etc.

Proviso.
Rate, fare or
charge.

Rules, regulations
and practices.

Change of tariffs
or schedules.

Proviso.

Proviso.

Proviso.

Contracts.

consent and approval of the commission, need only file such evidence of concurrence therein or acceptance thereof as may be required by the commission: Provided, That whenever any public service company shall file any tariffs or schedules under the provisions of this act, or shall participate in any such tariff or schedule so filed, the rates, fares, and charges, and the rules, regulations and practices, therein contained, as against such public service company, its officers, agents, and employees, shall be deemed to be the legal rate, fare, or charge, and the rules, regulations, and practices; otherwise, the published rate, rules, regulations, and practices, if any, shall be the legal rate, fare or charge, rules, regulations and practices.

(f). To make no change in any tariff or schedule, which shall have been filed or published or posted by any public service company in compliance with the preceding sections, except after thirty days' notice to the commission and to the public, posted and published in the manner, form, and places required with respect to the original tariffs or schedules, which shall plainly state the exact changes proposed to be made in the tariffs or schedules then in force, and whether an increase or decrease, and the time when the proposed changes will go into effect; and all such changes shall be shown by filing, posting, and publishing new tariffs or schedules, or shall be plainly indicated upon the tariffs or schedules in force at the time, and kept open to the public inspection: Provided, That the Commission may, in its discretion and for good cause shown, allow changes in such tariffs or schedules upon less than thirty days' notice herein specified, or upon other conditions: And provided, further, That no rate, practice, or classification which shall have been determined by the commission shall be changed or discontinued by the public service company, directly or through any change in classifications, rules, regulations, contracts, or practices, within a period of three years after such determination, without application to and the approval of the commission, of which application thirty days' prior notice shall be given in the said tariffs or schedules to the public: And provided further, That it shall be the duty of every public service company, when required by the commission, to issue to its shippers, consumers, or other patrons a certificate or other evidence of payments made by them to it in excess of the prior established rate, of an increase in which rate notice has been given to the commission and the public as aforesaid.

(g). To file with the commission, when required by it, verified copies of any and all contracts, writings, agreements, leases, arrangements, or other en-

gagements entered into by such public service company with any person, corporation, municipal corporation, any State Government, the Federal Government, or any branch or subdivision thereof, or other public service company, in relation to its public service.

(h). To make and file, when and in the manner and form required by the commission, any and all reports to the commission, which shall contain such facts, accounts, and information as may be prescribed by the commission; and, generally, to furnish any and all information required by the commission in the performance of its duties under this act.

Reports.

(i). To adopt, use and keep, in conducting its business, such form, method, system, or systems, of accounts, records, and memoranda as shall be prescribed by the commission; to carry no charges in any operating account which should properly be charged to the capital account, or vice versa; to carry a proper and reasonable depreciation account, if required so to do by order of the commission; and to obey and abide by all the regulations and orders of the commission concerning such accounts, records, and memoranda, and the keeping of the same: Provided, That this subsection shall also apply to all municipal corporations, with respect to the accounts, records, and memoranda relating to the rendering or furnishing by them to the public of any service of the kind or character rendered or furnished by public service companies, and to the making of reports in relation thereto: And provided further, That all corporations and persons, operating under lease or other contract any such plant or other facilities, owned by such municipal corporation, shall adopt, use, and keep, in respect to such operation of such plant or other facilities under such lease or contract, such form or system of accounts as shall be adapted to and reasonable under the circumstances, and consistent with the obligations of such lease or contract, or of any contract made in pursuance thereof, and shall conform to such orders as the commission, on hearing, may make in respect to such form or system of accounts, and shall make such reports in relation thereto as may be required by the commission.

System of accounts, records, etc.

Proviso.

Municipal corporations.

Proviso.

Operated under lease, etc.

(j). To keep all books, accounts, papers, records, and memoranda, as shall be required by the commission, in an office within this Commonwealth, and not to remove the same or any of them from the Commonwealth except upon such terms and conditions as may be prescribed by the commission; but the provisions of this paragraph shall not apply to a public service company of another State, engaged in interstate commerce, whose accounts are kept at its principal place

To be kept in Commonwealth.

Exception. of business without the State, in the manner prescribed by the Interstate Commerce Commission: Provided, That such public service company, when required by the commission, shall furnish to the commission, within such reasonable time as it shall prescribe, certified copies of its books, accounts, papers, records, and memoranda relating to the business done by such public service company within this Commonwealth.

Proviso.

Certified copies of books, etc.

Maps, profiles, reports, records, etc.

(k). To furnish to the commission, from time to time, and as the commission may require, all maps, profiles, reports of engineers, books, papers, records, and other documents or memoranda, or copies of any and all of them, in aid of any inspection, examination, inquiry, investigation, or hearing, or in aid of any determination of the value of its property, or any portion thereof; and to co-operate with the commission in the work of the valuation of its property, or any portion thereof; and to furnish any and all other information to the commission, as the commission may require, in any inspection, examination, inquiry, investigation, hearing, or determination of such valuation of its property and facilities.

Accounting for proceeds of securities.

(l). To account or report to the commission, when required by it so to do, for the disposition and application of the proceeds of all sales or pledges of all stocks, trust certificates, bonds, notes, and other evidences of indebtedness, and other securities; which accounts and reports shall be made in such form and detail, verified by affidavit of the proper officer or officers of such company having knowledge thereof as to the commission may seem advisable; and, in accordance with reasonable rules and regulations which may be adopted by the commission, to use and apply the proceeds thereof to the purpose or purposes certified to the commission, under the provisions of this act, and to no other purpose or purposes whatsoever.

Service and facilities of common carriers.

(m). If a railroad corporation or street railway corporation, or other common carrier, to furnish a reasonably sufficient number of safe trains, cars, vehicles, boats, or other facilities; and to run and operate the same with such motive power as may reasonably be required, in the conveyance of all such passengers or property as may seek, or be offered to it, for such conveyance; and to run and operate its said trains, cars, vehicles, boats, or other facilities with sufficient frequency, at such reasonable and proper times, and to and from such stations or points, as the commission, having regard to the general convenience and safety of the public, may require; and, when reasonably required by the commission, to change the time schedule for the running and operation of its trains, cars, vehicles, boats, or other facilities; and,

generally, make any other arrangements and improvements in its service which the commission may lawfully and reasonably determine and require.

(n). If a railroad corporation or other common carrier, engaged in the transportation of freight or property, to furnish, upon reasonable request, to all persons and corporations who may apply therefor, and offer freight or property for transportation, sufficient and suitable cars, vehicles, boats, motive power, or other facilities, as may be reasonably required for the transportation of such freight or property; or, in case at any particular time it may not have sufficient cars, boats, vehicles, motive power, or other facilities to meet the requirements for the transportation of property, then lawfully to distribute all available cars, vehicles, boats, motive power, or other facilities among the several applicants therefor, without discrimination between shippers, localities, or competitive or non-competitive points, in accordance with the rule of distribution of the Interstate Commerce Commission. But preferences may always be given in the supply of cars, boats, vehicles, motive power, or other facilities for shipment of livestock or perishable matter.

Furnishing and distribution of facilities by common carriers.

(o). If a railroad corporation, upon application of any owner or operator of any lateral railroad, or any private side track, or of any shipper, tendering property or traffic for transportation, or of any consignee, to construct, maintain, and operate, at a reasonable place and upon reasonable terms, a switch connection with any such lateral railroad or private side track which may be constructed to connect with its railroad, where such connection may be reasonably practicable and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same: Provided, That whenever any lateral line of railroad or private side track has been so connected with a line of any railroad, or whenever any owner of such lateral railroad or any private side track has at any time heretofore sold or leased, or shall hereafter sell or lease, such lateral railroad or side track to any railroad corporation, any person or corporation shall be entitled to connect therewith, or to use the same, upon payment to the party incurring the primary expense thereof of a reasonable proportion of the cost of the said lateral railroad or private side track, and of the maintenance thereof; which shall be determined, in case of disagreement among the parties, by the commission, after notice to the interested parties, and a hearing. Provided that such connection and use can be made with-

Switch connections.

Proviso.

Use of and connection with switch, side track, etc.

out unreasonable interference with the use thereof by the party incurring the primary expense or owning or leasing said lateral railroad or side track.

Continuous transportation, *etc.

(p). If a telephone or telegraph corporation, or person or persons engaged in like business, to cause the transmission of dispatches, messages, or communications by it to be reasonably continuous, and without unreasonable interruption or delay; and, if a common carrier, to cause the conveyance of passengers and property by it to be reasonably continuous, and without unreasonable interruptions or delay.

Liability of initial carrier.

(q). Whenever a common carrier receives property for transportation between points within this Commonwealth, it shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to said property caused by it or any other common carrier to which said property may be delivered, or over whose line or lines such property may pass. No contract, receipt, rule, or regulation shall exempt such common carrier from the liability hereby imposed: Provided, That nothing in this section shall deprive any lawful holder of such receipt or bill of lading of any remedy or right of action which he has under existing laws: And provided further, That any common carrier issuing such receipt or bill of lading, shall, in the event of a recovery of a judgment against, or of a satisfaction made by, such carrier, for such loss or damage, be entitled to recover from the common carrier on whose line the loss or damage shall have been sustained, an amount not in excess of the loss or damage to said property which the lawful holder of said bill of lading or receipt would otherwise have been entitled to recover against such last-mentioned carrier, and not in excess of the amount actually paid to the holder of such receipt or bill of lading.

Proviso.

Proviso.

Transfers, and time schedules.

(r). If a street railway corporation or incline plane corporation, whenever the commission shall deem necessary or proper for the accommodation, convenience, or safety, of the public in the conveyance of passengers, to transfer such passengers to or from another part of the system of the said street railway corporation or incline plane corporation; and, to this end and object, shall make proper and convenient arrangement or adjustment of the time schedules of the said street railway corporation or incline plane corporation; and shall also make such proper and convenient arrangement or adjustment of its time schedules with those of other, contiguous, or connecting street railway corporations or incline plane corporations, as to the commission shall seem necessary or proper for the accommodation, convenience, or safety of the public.

(s). If a railroad corporation or a street railway corporation, to construct and maintain, whenever the commission may require the same, such switch or other connections with or between the lines of other companies of the same character, where the same is reasonably practical and can readily be connected, to form a continuous line of transportation, and to cause the conveyance of persons and property between points within this Commonwealth to be without unreasonable interruption or delay; and to establish through routes and service therein, and just and reasonable joint rates, fares, and charges applicable thereto; and, where practicable, transport freight over the same without transfer from the originating cars; and shall not discriminate in the said rates, fares, charges, or in any rules or regulations applicable thereto, between any such connecting lines: Switch and other connections. Provided, That no railroad corporation or street railway corporation shall be required to give the use of its tracks or terminal facilities to any other common carrier: Proviso. And provided, That this section shall not apply to a street railway corporation engaged in the business of carrying passengers, but not engaged in the general business of transporting freight, and which does not generally solicit the transportation of freight as a main branch of its business.

(t). To obey and abide by all lawful orders and regulations of the commission, made under the provisions of this act, regulating the manner in which the tracks or other facilities of any railroad corporation, street railway corporation, or any other public service company, may be constructed across the tracks or other facilities of any other railroad corporation, street railway corporation, or any other public service company, at grade, or above or below grade, or at any prescribed level; or in which the tracks or other facilities of any railroad corporation or street railway corporation may be constructed across any public highway at grade, or above or below grade; or in which any public highway may be constructed across the tracks or other facilities of any railroad corporation or street railway corporation at grade, or above or below grade; or regulating the manner in which such crossings shall be operated, maintained, and protected, including the stationing of watchmen thereat, installation and regulation of lights, blocks, or other system of signalling, safety appliances, devices or such other means or instrumentalities as the commission may prescribe; as well as to obey and abide by all lawful orders and regulations of the commission, made under the provisions of this act, requiring the alteration, relocation, removal, or abolition of any Grade crossings, etc.

such crossings,—to the end, intent, and purpose that accidents may be prevented; and also to bear and pay the expenses, damages, or compensation incident thereto, either severally or in such proportions as the commission may determine under the provisions of this act.

Connection of
telegraph lines.

(u). If a telegraph corporation, or person engaged in the public telegraph business, to connect, whenever the commission may require it or him so to do, its or his lines of telegraph with the lines of any other such telegraph corporation, or person engaged in the public telegraph business; and thereupon it shall be and become the reciprocal duty of each of such connecting telegraph corporations, or persons, upon the payment of the usual charges to individuals for transmitting dispatches, as established by the rates and regulations of such telegraph corporations, or persons, or by the commission as hereinafter provided, to receive and to transmit dispatches from and for each other with impartiality and good faith, and likewise for any individual or individuals.

Connection of
telephone lines.

(v). If a telephone corporation, or person engaged in the telephone business, whose lines, together with the lines of another telephone corporation, or person engaged in the telephone business, form a continuous line of communication between different localities, which are not reached by lines, facilities, or connections of either alone, and could be made to do so by the construction and maintenance of suitable connections between the several lines at common points, for the transmission of conversations between different localities, to jointly arrange for the interchange and transfer of conversations at such common points when it can reasonably be done, and efficient service can be obtained without injustice to either company and without substantial impairment or detriment to the service to be rendered by either company, and when necessity exists therefor, in order to supply through traffic communication between different localities not otherwise provided for by the companies in question, or either of them; and shall operate and conduct a joint through traffic over the several lines so connected, and shall make the proper rules and regulations governing the same, and shall establish just and reasonable rates and charges for the joint through service thereby rendered, and shall make among themselves an equitable apportionment of the costs and revenues appertaining to the joint facilities and service.

Gas, water
and electric
meters.

(w). If a gas corporation, water corporation, or other public service company, furnishing its service or product upon meter or other similar measurement, or

electric corporation, to provide, and keep in and upon its premises, suitable and proper apparatus, to be approved from time to time and stamped or marked by the commission, for testing and proving the accuracy of gas, water, electric, or other meters furnished by it for use; and by which apparatus every meter may be tested, upon the written request of the consumer to whom the same shall be furnished, and in his presence if he shall so desire. If the meter so tested shall be found to be accurate, within such commercially reasonable limits as the commission may, by general or special order, fix for such meters, or class of meters, a reasonable fee, to be fixed by the commission by standing order, sufficient to cover the cost of such test, shall be paid by the consumer requiring such test; but, if not so found, then the cost thereof shall be borne by the public service company furnishing said meter.

(x). To give immediate notice to said commission of the happening of any accident in or about, or in connection with the operation of its property, facilities, or service, wherein any person shall have been killed or injured, and to furnish such full and detailed report of such accident, within such time and in such manner as the commission shall, by general rule or special order, or otherwise, require. Such report shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in said report.

Accidents.

(y). To observe and obey all and singular the lawful orders and regulations which may be issued or made by the commission in the exercise of the powers conferred upon it by this act.

Orders.

ARTICLE III.

Creation, Powers and Limitation of Powers, of Public Service Companies.

Section 1. It shall be lawful for every public service company—

(a). To demand, collect, and receive fair, just, and reasonable prices, rates, fares, tolls, charges, or other compensation for each and every service rendered or to be rendered by it to any person or corporation, or to any other public service company with whom it interchanges facilities and services.

Reasonable rates.

To establish a sliding-scale of rates, fares, or charges; provided that a schedule showing such scale of rates, fares, or charges shall first have been filed with the commission and approved by it.

To establish, with the consent of the commission, a scale of charges, subject to automatic adjustment, in relation to the dividends to be paid to the stockholders of such public service company, or the profit to be realized by any person engaged in like business.

To participate, to such an extent as may be permitted by the commission, and deemed by the commission wise, for the purpose of encouraging economies, efficiencies, or improvements in methods or service, in the additional profits which will be afforded by such economies, efficiencies, or improvements in methods or service.

Classification of service and rates.

(b). To employ, in the conduct and management of its business, suitable and reasonable classifications of its service, patrons, and rates; and such classification may, in any proper case, take into account the nature of, the use, and quantity used, the time when used, the purpose for which used, the kind, bulk, value, and facility of handling of commodities, and any other reasonable consideration.

Reasonable rules and regulations.

(c). To have reasonable rules and regulations, subject to existing law and the provisions of this act, governing the conduct of its business and the conditions under which it shall be required to render service.

Advance and discount payment of rates.

It may require the payment of charges in advance, the making of reasonable minimum payments and deposits to secure future payments of such charges; or it may allow discounts for prompt payments of the same, or impose penalties for failure to pay promptly: Provided, That such advance charges, minimum payments, deposits, discounts, or penalties are reasonable and apply equally and without discrimination or preference to all shippers, consumers, and patrons, under like conditions and under similar circumstances.

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Complaints to the commission.

(d). To apply to the commission by complaint, in the manner hereinafter provided in this act, whenever such company claims to be aggrieved by any ruling, regulation, classification, or order which it is or has been required by the commission to observe or carry into effect; and thereupon such public service company shall be entitled to a full and fair hearing, and a speedy determination of its complaint on the merits, by the commission, and to all just and reasonable relief consistent with the rights and duties of such public service company.

Payment for service rendered.

(e). Whenever any owner of property transported by any common carrier, or any user or patron of any other public service company, renders, directly or indirectly, any service connected with such transportation or other public service, the charge and allowance therefor shall no be more than is just and reasonable; and the commission may, after hearing, on its own mo-

tion or upon complaint, determine what is a reasonable charge, as a maximum, to be paid by the carrier or other public service company for the use of the service so furnished or rendered, and what is a proper proportion of the said cost, and fix the same by appropriate order, to be observed and enforced by the parties concerned.

Section 2. Upon the approval of the commission evidenced by its Certificate of Public Convenience, first had and obtained, and not otherwise, it shall be lawful for any proposed public service company—

Approval of incorporation.

(a). To be incorporated, organized, or created: Provided, That existing laws relative to the incorporation, organization, and creation of such companies shall first have been complied with, prior to the application to the commission for its Certificate of Public Convenience.

Certificate.

(b). To begin the exercise of any right, power, franchise, or privilege, under any ordinance, municipal contract, or otherwise.

Section 3. Upon like approval of the commission first had and obtained, as aforesaid, and upon compliance with existing laws, and not otherwise, it shall be lawful—

Approval of additional franchises, etc.

(a). For any public service company to renew its charter, or obtain any additional rights, powers, franchises, or privileges, by any amendment or supplement to its charter, or otherwise.

(b). For a foreign public service company, upon compliance with existing laws, if any there be permitting such foreign company to exercise its powers and franchises within this Commonwealth, to obtain the right to do business within this Commonwealth.

(c). For any public service company to sell, assign, transfer, lease, consolidate, or merge its property, powers, franchises, or privileges, or any of them, to or with any other corporation or person.

(d). For any municipal corporation to acquire, construct, or begin to operate, any plant, equipment or other facilities for the rendering or furnishing to the public of any service of the kind or character already being rendered or furnished by any public service company within the municipality.

Provided, however, That nothing herein contained shall interfere with or affect the right or power of a municipal corporation to continue the operation of its municipal plant, or to extend the same, within the territory of such municipal corporation, or any part thereof, which is not then being supplied by a public service company rendering or furnishing service of a like kind or character: And provided further, That any municipal corporation which, at the time this act

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becomes effective, has, by authority of law, in process of construction any such plant for the rendering or furnishing to the public of any such service, may proceed with and complete the said construction, and begin to operate the same, without the aforesaid approval of the commission first had and obtained.

Section 4. It shall be lawful for any public service company—

Issue of stocks, bonds, etc.

(a). To issue stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, or make any increase in the issue thereof, in the manner prescribed by law, for and only for money, labor done, or money or property actually received, in accordance with the requirements of the Constitution and the laws of the Commonwealth.

Unlawful issues void.

All stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, issued in violation of this subsection, and all fictitious increase of stock, trust certificates, bonds, notes, or other indebtedness or securities, shall be void.

Commission's valuation.

Application as hereinafter provided may be made by such public service companies to the commission for a certificate of valuation, to the effect that the provisions of this section have been complied with as to any stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, issued after the passage of this act; such application shall certify as to the number and amount thereof to be issued and the purpose of such issue, and shall contain such other facts and detailed information, and be in such form, as the commission shall determine and prescribe, and shall be signed and verified by the affidavit of the treasurer, auditor, controller, or other acting fiscal head of the public service company.

"Certificate of Notification" to be filed with commission.

(b). Every public service company shall file with the commission, on prior to the date of issuance of any stock, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, payable at periods of more than twelve months after the date thereof, and now or hereafter to be authorized (unless, upon application as aforesaid, a certificate of valuation shall have been obtained in accordance with the provisions of this act), a certificate to be known as a Certificate of Notification, in such form as the commission may, from time to time, determine and prescribe, which, among other things that may be required by the commission, shall show—

Contents of certificate.

I. The total amount thereof.

II. The number and amount thereof outstanding prior to the date of such certificate, the amount thereof theretofore retired, the amount thereof theretofore undischarged of, and whether such amount is held in the

treasury of the public service company as a free asset or pledged, and, if pledged, the terms and conditions of such pledge.

III. The number and amount thereof to be issued and the purpose of such issue, and whether to be sold, pledged, or held in the treasury of the public service company as a free asset; if such securities are to be sold, the terms of sale if a contract for such sale has been made, and, if any part of the consideration to be received therefor is other than money, an accurate and detailed description thereof; if such securities are to be pledged, the terms and conditions of such pledge.

IV. The number and amount thereof remaining unissued.

V. If the issue is of shares of stock, the certificate shall also show the par value thereof, and the number of then outstanding shares previously issued.

VI. The preference or privilege granted to the holders of any such shares of stock, the dates of maturity, rates of interest of any such bonds, notes or other evidences or indebtedness or other securities, and any conversion rights granted to the holders thereof, and the price, if any, at which such shares or such securities may be redeemed.

(c). Whenever any securities, set forth and described in any Certificate of Notification as pledged or held as a free asset in the treasury of the public service company, shall, subsequent to the filing of such certificate, be sold or repledged or otherwise disposed of by the public service company, such company shall file a further Certificate of Notification to that effect, setting forth therein all such facts as are required by subdivision III, subsection (b), of this section four.

Further certificates of notification.

(d). All Certificates of Notification furnished to the commission shall be signed and verified by the affidavit of the treasurer, auditor, controller, or other acting fiscal head of the public service company. Such Certificates of Notification shall at all times be deemed to be public records, and open to inspection, and may be given such further publicity as the commission may deem to be for the public interest or welfare.

Verification.

Publicity.

The provisions of this act contained in regard to Certificates of Valuation, and, unless so required by the commission, in regard to Certificates of Notification, shall not apply to the issuance of bonds, notes, or other evidences of indebtedness payable at periods of twelve months or less, nor to the pledging or repledging of stocks, trust certificates, bonds, or other evidences of indebtedness to secure such bonds, notes, or evidences of indebtedness, payable at periods of twelve months or less; but if such bonds, notes, or

To what issues of securities applicable.

other evidences of indebtedness, shall, in whole or in part, directly or indirectly, be refunded by any issue of bonds, notes, or other evidences of indebtedness running for more than twelve months, then the said mentioned provisions with regard to Certificates of Notification and Valuation shall apply.

Validity or
invalidity of
securities, issued
prior to this act,
unaffected.

Neither the filing with the commission of any Certificate of Notification, nor the issuing by the commission of any Certificate of Public Convenience or Certificate of Valuation, and nothing therein or in this act contained, nor any hearing had, nor finding nor order nor decree made by the commission, nor any act or thing done by any public service company in pursuance thereof, nor any act or thing done by the commission under the provisions of this act, shall in anywise affect the invalidity, if any, of any stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, issued or assumed or guaranteed, prior to the date when this act shall become effective, by any public service company.

Construction of
crossings.

Section 5. Upon the approval of the commission, evidenced by its Certificate of Public Convenience first had and obtained, and not otherwise, it shall be lawful for any railroad corporation or street railway corporation to construct its tracks or other facilities across the tracks or other facilities of any other railroad corporation or street railway corporation, or across any public highway, at grade, or above or below grade; or for any public highway to be constructed across the tracks or other facilities of any railroad corporation or street railway corporation at grade, or above or below grade; or for any public service company to construct any of its facilities across the facilities of any other public service company at the same or different levels. And it shall be lawful, upon like approval first had and obtained, and not otherwise, for any public service company to alter, relocate, remove, or abolish any such crossing: Provided, however, That in all cases in which the tracks or other facilities of a railroad corporation or street railway corporation cross the tracks or other facilities of another railroad corporation or street railway corporation or a public highway at grade, and such crossing is at the time this act becomes effective in process of abolition, under and in accordance with an agreement or contract entered into with any municipality providing for such abolition, it shall be lawful to proceed with the consummation of such abolition as provided in such agreement or contract, without the aforesaid approval of the commission first being obtained.

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In progress
of abolition.

Section 6. It shall be unlawful for any public service company—

(a). To capitalize its franchises, rights, powers, privileges, or right to own and operate or enjoy any such franchises, rights, powers, or privileges, in excess of the amount paid to the Commonwealth or any political subdivision thereof as the consideration for the grant thereof; or to capitalize any lease, or contract of sale, or contract for consolidation or merger of two or more public service companies; or to issue by way of substitution any capital stock, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, for any consolidated or merged company, exceeding the aggregate values of the properties of the companies so consolidated or merged, and any additional sum actually paid in, in cash, and any additional property or labor actually contributed: Provided, That any such public service company or companies may apply to the commission to determine such consideration or value, aforesaid.

Capitalization of franchises, etc.

Proviso.

(b). In the case of any reorganization under the provisions of the act of Assembly approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-one, entitled "An act concerning the sale of railroads, canals, turnpikes, bridges, and plank roads," or any supplement thereto or amendment thereof, to issue any stock, trust certificates, bonds, notes or other evidences of indebtedness or other securities, in excess of the amount paid or agreed to be paid to the Commonwealth or any political subdivision thereof, as the consideration for the grant of any franchises, rights, powers, or privileges, and the value of the property of such reorganized corporation (and any additional sum actually paid in cash, and any additional property or labor actually contributed): Provided, That any such public service company may apply to the commission to determine such consideration or value, aforesaid.

Issue of securities by reorganized companies.

(c). To purchase, acquire, take or hold, either in absolute ownership or in pledge, or as collateral security, directly or indirectly, any controlling right, title, or interest, legal or equitable, in the capital stock, bonds, trust certificates, or other evidences of indebtedness or other securities, issued by, or other controlling right, title, or interest whatsoever in, any other public service company, conducting business within this Commonwealth, without the consent and approval of the commission: but the purchase, taking and holding, aforesaid, of any right, title, or interest in any such capital stock, bonds, trust certificates, or other evidences of indebtedness or other securities, or of any other right, title, or interest in any other public service company, which shall amount to less than the aforesaid controlling right, title, or interest, of any

Approval of acquisition of controlling rights in other companies.

Proviso.

nature or kind, shall be lawful without the approval of the commission, so far as the same may be lawful under existing laws: Provided, however, That nothing in this act shall be construed to affect the holding of stock, bonds, trust certificates, or other evidences of indebtedness or other securities, heretofore legally acquired and held; or in any way diminish, lessen, or impair the rights of any public service company, in virtue of the holding by said company of such stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, heretofore acquired and held; or to prevent the future acquisition of such stocks, trust certificates, bonds, notes, or other evidences or indebtedness or other securities of a public service company, where the major interest therein has been acquired and held by a public service company prior to the date when this act shall become effective; or to prevent the future acquisition, holding, or cancellation by a public service company of trust certificates, bonds, notes, or other evidences of indebtedness or other securities secured by stock, theretofore legally acquired and owned by a public service company and pledged as security therefor.

Unlawful to operate until tariffs and schedules are filed and posted.

Section 7. It shall be unlawful for any public service company after the first day of January, one thousand nine hundred and fourteen, to render or furnish, or to offer to render or furnish, within this Commonwealth, any service of the kind or character rendered or furnished by it, until it shall have filed and posted its tariffs and schedules in accordance with the provisions of subsection (d) of section one of article two.

Section 8. It shall be unlawful for any public service company—

Unjust discrimination in rates.

(a). To charge, demand, collect, or receive, directly or indirectly, by any special rate, rebate, drawback, abatement, or other device whatsoever, from any person or corporation, for any service rendered or to be rendered, a greater or less compensation or sum than it shall demand, charge, collect, or receive from any other person or corporation for a like and contemporaneous service under substantially similar circumstances and conditions.

Proviso.

Provided, however, That where, as the result of a bona fide mistake or error of a common carrier, the full tariff charges are not collected in the first instance, and the balance is subsequently found to be due and outstanding, the collection of such balance may be waived by the carrier, provided the matter is submitted to the commission, and its approval of such waiver is first had and obtained.

Undue preference.

(b). To make or give any undue or unreasonable preference or advantage in favor of or to any person

or corporation or any locality, or any particular kind or description of traffic or service, in any respect whatsoever; or to subject any particular person or corporation or locality, or any particular kind or description of traffic or service, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Section 9. It shall be unlawful for any common carrier—

(a). To charge or receive any greater compensation, in the aggregate, for the conveyance of passengers or property of the same class for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; or, unless specially authorized by the commission, to charge any greater compensation as a through rate than the aggregate of the intermediate rates, but this shall not be construed as authorizing any common carrier to charge and receive as great a compensation for a shorter as for a longer distance: Provided, however, That nothing in this section contained shall prohibit common carriers from establishing reasonable zone systems of charges.

Short and long hauls, etc.

Proviso.

Zone systems.

(b). To knowingly assist, suffer, or permit any person or corporation to obtain transportation for any passengers or property between points within this Commonwealth at less than the rates established by such common carrier, or by order of the commission, by means of false billing, false classification, false weight or weighing, or false report of weight, or by any other means or device whatsoever.

False billing, etc.

Any common carrier may, however, issue at special rates of fare, excursion and commutation tickets; but, before any common carrier may issue any such excursion or commutation tickets, it shall file with the commission and shall post, in the same manner as required by this act in the case of other rates or charges, copies of the tariffs or schedules of the rates, fares, or charges on which such tickets are to be based and issued; and any common carrier may grant free passes, or passes at a discount, to any officer or employee of such carrier. Nothing in this act shall be construed to prevent telephone, telegraph, express, or railroad corporations from entering into contracts with each other for the exchange of service at free or reduced rates, which contracts however shall be filed with the commission.

Excursion and commutation rates.

Exchange of service.

Section 10. It shall be unlawful for any telephone or telegraph corporation, or person or persons engaged in like business, to charge or receive any greater compensation in the aggregate, for the transmission

Short and long transmission of telegraph and telephone messages.

of any message or conversation for a shorter than for a longer distance over the same line or route, in the same direction, the shorter being included within the longer distance; or, unless specially authorized by the commission, to charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such telephone or telegraph corporation, person or persons engaged in like business, to charge and receive as great a compensation for a shorter as for a longer distance. Upon application, the commission may in special cases, after investigation, authorize such telephone or telegraph corporation, or person or persons engaged in like business, to charge less for a longer than for a shorter distance, but the order must specify and prescribe the extent to which relief from the operation of this section is given: Provided, That nothing in this section contained shall prohibit telephone or telegraph corporations from establishing reasonable zone systems of charges.

Proviso.

Zone systems of charges.

Section 11. No contract or agreement between any public service company and any municipal corporation shall be valid unless approved by the commission: Provided, That, upon notice to the local authorities concerned, any public service company may apply to the commission, before the consent of the local authorities has been obtained, for a declaration by the commission of the terms and conditions upon which it will grant its approval of such contract or agreement, if at all.

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Contracts and agreements invalid unless approved.

Section 12. Every public service company shall be entitled to the full enjoyment and exercises of all and every the rights, powers, and privileges which it lawfully possesses, or might possess, at the time of the passage of this act, except as herein otherwise expressly provided.

Prior corporate rights preserved as herein modified.

The several duties, rights, powers, and limitations of rights and powers of public service companies, as enumerated in article two and this article three, respectively, or contained in any of the provisions of this act; or the performance, exercise, or enforcement thereof by, or in favor of, or against, any public service company, shall, in every proper case, be subject to section twelve of article sixteen, sections one and four of article seventeen of the Constitution of the Commonwealth, and to any other applicable provisions of the Constitution of the Commonwealth or of the United States.

ARTICLE IV.

Constitution of Commission.

Section 1. For the purpose of regulating public service companies and of carrying out the provisions of this act, an administrative body or commission is hereby established, to be known as The Public Service Commission of the Commonwealth of Pennsylvania; and in that name it shall issue its orders and certificates, and may become or be made a party to legal proceedings. It shall have an official seal, which shall be prepared and furnished by the Secretary of the Commonwealth, with the words "The Public Service Commission of the Commonwealth of Pennsylvania," and such other design as the commission may prescribe, engraved thereon, by which seal it shall authenticate its proceedings, and of which seal the court shall take judicial notice.

Establishment of
the Public
Service Com-
mission.

Party litigants.

Seal.

Section 2. This commission shall consist of seven members, who shall be appointed by the Governor, by and with the advice and consent of the Senate. Each Commissioner at the time of his appointment and qualification shall be a resident of the Commonwealth of Pennsylvania, and shall have been a qualified elector therein for a period of at least one year next preceding his appointment, and shall also be not less than thirty years of age.

Number,
qualifications,
and appointment
of commissioners.

The commissioners first appointed under this act shall continue in office for the terms of four, five, six, seven, eight, nine, and ten years, respectively, from the first day of July, Anno Domini one thousand nine hundred and thirteen, and until their respective successors shall be duly appointed and shall have qualified, but their successors shall each be appointed for a term of ten years.

Terms of office.

A member of said commission designated by the Governor shall during his term of office be the chairman of the commission. The chairman shall, when present, preside at all meetings, and in his absence the member whose term shall first expire shall preside.

Chairman.

Section 3. When a vacancy shall occur in the office of any commissioner, a commissioner shall, in the manner aforesaid, be appointed for the residue of the term. If the Senate shall not be in session when this act is approved, or when any vacancy occurs, the original appointments, or any appointment made by the Governor to fill a vacancy, shall be subject to the approval of the Senate when convened.

Vacancies.

A quorum of the commission shall be four members, who, for all purposes, including the making of any order, or the ratification of any act done or order

Quorum.

made by one or more of the commissioners, must act unanimously.

No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

Powers of any
one commissioner.

Section 4. Any investigation, inquiry, or hearing which the commission has power to undertake or hold may be undertaken or held by or before any one of the commissioners, upon condition, however, that such commissioner shall have been authorized by the commission to undertake or hold such investigation, inquiry, or hearing. All investigations, inquiries, or hearings, before or by any such commissioner, shall be, and be deemed to be, the investigations, inquiries, and hearings of the commission. Any determination, ruling, or order of a commissioner, upon any such investigation, inquiry, or hearing undertaken or held by him, shall not become and be effective until approved and confirmed by at least a quorum of the commission and ordered to be filed in its office. Upon such confirmation and order, such determination, ruling, or order shall be the determination, ruling, or order of the commission.

Confirmation by
quorum.

Secretary.

Section 5. The commission shall have a secretary to be appointed by it, and to hold office at its pleasure. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission, and of all determinations, rulings, and orders made by the commission or by any of the commissioners, and of the approval and confirmation by the commission of determinations, rulings, or orders made by individual members thereof.

Duties of secretary, etc.

The secretary shall be the custodian of the records of the commission, and file and preserve at its general office all books, maps, profiles, tariffs, schedules, reports, and documents, and papers whatsoever, filed with it or entrusted to its care, and shall be responsible to the commission for the same.

Under the direction of the commission the secretary shall be its chief executive officer, have general charge of its general office, superintend its clerical business, conduct its correspondence, give notice of all determinations, rulings, and orders of the commission, prepare for service such papers and notices as may be required of him by the commission, and perform such other duties as the commission may prescribe. He shall have power and authority to administer oaths, in all parts of the Commonwealth, in all proceedings by or before the commission or any commissioner and in all cases or matters appertaining to the duties of his office.

The secretary shall have power to designate, from time to time, one of the clerks appointed by the commission to perform the duties of the secretary during his absence, and the clerk so appointed shall possess, for the time designated, the powers of the secretary of the commission.

The secretary shall be the disbursing officer of the commission, subject to the approval of the commission, with respect to both requisitions and expenditures, and before entering upon the duties of his office he shall file in the office of the Secretary of the Commonwealth a bond to the Commonwealth, with corporate security in the sum of ten thousand dollars, to be approved by the Governor, conditioned for the faithful performance of his official duties.

Bond of secretary.

Section 6. The Attorney General shall ex officio be the general counsel of the commission. He shall appoint two attorneys, who shall be learned in the law, as counsel and assistant counsel, respectively, for the commission. The said counsel or assistant counsel shall attend the hearings before the commission or a commissioner, conduct the examination of witnesses when requested so to do by the commission or a commissioner, represent the commission upon appeals and other hearings in the Courts of Common Pleas and in the Superior and Supreme Courts, or other courts of the Commonwealth of Pennsylvania, or in any Federal court, and in actions instituted to recover penalties and to enforce orders of the commission. Said counsel and assistant counsel shall also assist the Attorney General in conducting all mandamus, injunction, and quo warranto proceedings, at law or in equity, instituted by him for the enforcement of the determinations, rulings, and orders of the commission, and shall perform such other professional duties as may be required of them, or either of them, by the commission.

Counsel to the commission.

Section 7. The commission shall appoint a marshal, to serve during its pleasure. He shall attend the hearings of the commission, preserve order thereat; superintend the serving of subpoenas, orders of the commission, and such other papers as the commission may direct; make such reports and perform such other duties as may be prescribed by the commission.

Marshal.

Section 8. The commission shall appoint an investigator of accidents, whose duty it shall be to have charge of the investigation of—and to investigate, subject to the orders and direction of the commission—the cause of any accident in or about, or in connection with, the operation of the property, facilities, or service of any public service company, wherein

Investigation of accidents.

any person shall have been killed or injured, or property shall have been destroyed or injured, which may be assigned to him for investigation by the commission, or of the happening of which he may by due diligence obtain knowledge, and to make a full and complete report thereon to the commission; and also to report to the commission, whether any public service company has failed to perform the duties prescribed by article two, section one (X), of this act, with relation to accidents of the happening of which, in the exercise of due diligence, he may obtain knowledge; and also to collate and tabulate all data, statistics, and other pertinent information for the use of the commission, obtained by him as the result of such investigations; and to make an annual report of such investigations to the commission, with recommendations as to means or methods whereby such accidents may be averted; and to perform all such other duties concerning said accidents as to the commission may seem advisable for the promotion of the safety of patrons and employees of public service companies and of the safety and welfare of the public. Such reports, statistics, data, or information shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit for damages growing out of any matter or thing mentioned therein.

Officers, experts, engineers, employes, etc.

Section 9. The commission shall have power to employ during its pleasure, and at such rates of compensation as it may determine, such officers, experts, engineers, statisticians, accountants, inspectors, clerks, and employees as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred upon the commission.

Salaries.

Section 10. Each of the commissioners shall receive an annual salary of ten thousand dollars, except the chairman, who shall receive an annual salary of ten thousand five hundred dollars.

The secretary shall receive an annual salary of five thousand dollars.

The counsel for the commission shall receive an annual salary of seven thousand five hundred dollars.

The assistant counsel for the commission shall receive an annual salary of five thousand dollars.

The marshal shall receive an annual salary of two thousand dollars.

The investigator of accidents shall receive an annual salary of five thousand dollars.

The salaries hereinbefore mentioned, and the salaries of all other officers, agents, appointees, and employees of the commission, shall be payable monthly.

Each member of the commission, its secretary, attorneys, marshal, and investigator of accidents, and other officers, agents, employees, and appointees, shall be paid, in addition to their stipulated salary or compensation, the railroad fare, board, lodging, and other traveling expenses necessary and actually incurred by each of them in the performance of the duties required by this act, or performed by direction of the commission. Expenses.

Section 11. The salaries, when properly certified by the secretary of the commission, shall be audited by the Auditor General, and when audited and allowed shall be paid out of moneys specifically appropriated for that purpose, by warrants drawn therefor by the Auditor General upon the State Treasurer. Salaries, how payable.

All disbursements of such a nature as to make it impracticable for the commission to file with the Auditor General itemized receipts or vouchers prior to the advance by the accounting officers of funds sufficient to meet such expenses shall be paid out of money specifically appropriated for that purpose, in the manner provided by an act, entitled "An Act prescribing the method for disbursing and accounting for certain appropriations to the departments, bureaus, commissions, and other branches of the State Government," approved April twenty-third, Anno Domini one thousand nine hundred and nine. Other disbursements.

The moneys necessary to carry this act into effect shall be appropriated to the commission biennially, as an item in the general appropriation bill. Biennial appropriation.

Section 12. No person shall be appointed a member of the commission, or hold any place, position, or office under it, who occupies any official relation to any public service company doing business in this Commonwealth, or who holds any other appointive or elective office of the Commonwealth or any municipality thereof. No commissioner shall during his term be a candidate for any such office. Qualifications of and restrictions upon, commissioners.

No commissioner, and no employee, appointee, or official engaged in the service of, or in any manner connected with, said commission, shall hold any office or position, or be engaged in any business, employment, or vocation, the duties of which are incompatible with the duties of his office or employment as commissioner, or in the service or in connection with the work of the commission. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Every commissioner, the said secretary, attorneys, marshal, and investigator of accidents, and every individual employed or appointed to office under, in the service of, or in con-

nection with the work of, the commission, is hereby forbidden to solicit, suggest, request, or recommend, directly or indirectly, to any public service company, or to any officer, attorney, agent, or employee thereof, the appointment of any individual to any office, place, or position in, or the employment of any individual in any capacity by, said public service company.

Bribery.

Section 13. Every public service company, and every officer, attorney, agent, or employee thereof, is hereby forbidden to offer to any commissioner, the said secretary, attorneys, marshal, or investigator of accidents, or to any person appointed or employed by the commissioner, any office, place, appointment, or position; or to offer to give any commissioner, the said secretary, attorneys, marshal, or investigator of accidents, or to any person employed in the service of the commission or in connection with the work of the commission, any free pass or transportation, or any reduction in fares to which the public generally is not entitled, or any free carriage of property, or any present, gift, or gratuity, money or valuable thing of any kind.

Removals.

Section 14. If the secretary, marshal, or investigator of accidents, or any person employed or appointed in the service of the commission, shall violate any provision of this act, the commission shall forthwith remove him from the office or employment held by him.

Removal of commissioner.

Section 15. The Governor, by and with the consent of the Senate, may remove any commissioner, or any of the counsel to the commission, for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him, and affording him an opportunity to be publicly heard, in person or by counsel, in his own defense, upon not less than ten days' notice. If such commissioner shall be removed, the Governor shall file in the office of the Secretary of the Commonwealth a complete statement of all charges made against such commissioner, and his finding thereon, together with a complete record of the proceedings.

Oath of office.

Section 16. Each commissioner, the said secretary, attorneys, marshal, and investigator of accidents, shall qualify, before entering upon the duties of their respective offices or appointments, by taking and subscribing before the Secretary of the Commonwealth the oath prescribed by article seven of the Constitution of this Commonwealth.

Offices.

Section 17. The principal office of the commission shall be in the city of Harrisburg, in such rooms in the capitol building or other public building as may be designated by the Board of Commissioners of Public Grounds and Buildings.

Section 18. The commission, or a quorum thereof, shall hold stated meetings at least twice a month during the year, at its principal office, and may hold meetings at any time and at any place within this Commonwealth. Meetings.

Section 19. The Board of Commissioners of Public Grounds and Buildings shall, upon requisition of the secretary of the commission, furnish the commission with such books, stationery, furniture, and supplies as may be needed properly to conduct the affairs of the commission. Supplies.

The printing and binding necessary for the proper performance of the duties of the commission, or the proper preservation of books, documents, and papers filed with the commission, shall be done by the State printer, upon the order of the Superintendent of Public Printing and Binding, upon requisition of the secretary of the commission. Printing, binding, etc.

Section 20. The principal office of the commission at Harrisburg shall be open for business, between the hours of nine ante meridian and five post meridian, every business day in the year, and one or more responsible persons, to be designated by the commission, or by the secretary under the direction of the commission, shall be on duty at all times, in immediate charge thereof. Office hours.

ARTICLE V.

Powers and Duties of Commission.

Section 1. The commission shall have general administrative power and authority, as provided in this act, to supervise and regulate all public service companies doing business within this Commonwealth. Supervise, investigate and regulate.

Said power and authority shall include the power to inquire into and regulate the service, rates, fares, tolls, or charges of any and all public service companies, including individual and joint rates; the charges for long and short transmission of messages and conversations by telegraph and telephone companies; the making of repairs, alterations, and improvements in and to such service; as shall be reasonably necessary for the accommodation or safety of its patrons, employees, and the public; the granting of transfers to or from one part of the system of the same common carrier to another part; the routing of the lines of street railways, under the provisions of the act, entitled "An act authorizing traction or motor power companies, and street passenger railway companies, owning, leasing, controlling, or operating different lines of street railways, to operate all of said lines as a general system, and to lay out such new routes or circuits over the Service and rates. Extensions, etc. Transfers.

Distribution of
cars, etc.

Switches, cross-
ings, stations,
etc.

Facilities, etc.

Issue of
securities.

To prescribe
service.

Rates, etc.

whole or any part of any street or streets occupied by such different companies, and to run cars thereon for such distances and in such directions as will, in the opinion of the operating company, best accommodate public travel," approved the fifteenth day of May, Anno Domini one thousand eight hundred and ninety-five (Pamphlet laws, sixty-five), or otherwise; the just and equitable distribution of trains, cars, vehicles, and motive power, or other facilities, of all common carriers; the granting, construction, operation, or discontinuance of switches, sidings, and crossings; the construction, operation, or discontinuance of switch connections with or between lines of railroad corporations; the location or abolition of freight and passenger stations, wharves, docks, or piers; the use and compensation for cars owned or controlled by persons other than the carrier; the safety, adequacy, and sufficiency of the facilities, plant, and equipment for the carrying on of their business by said public service companies; the quantity or quality of water, gas, electricity, or light, heat or power, supplied; and, as specifically provided in this act, the issuing of stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities by public service companies.

Section 2. Whenever the commission shall determine, after hearing, had upon its own motion, or upon complaint, as hereinafter provided, that the service, facilities, rules, regulations, practices, or classifications of any public service company, in respect to, or in connection with, or employed by, or in the performance of, its public duties within this Commonwealth, are unsafe, inadequate, insufficient, unjust, or unreasonable, the commission shall determine, and specify by an order in writing to be made and filed as hereinafter provided, and to be served as hereinafter provided upon every public service company to be affected thereby, the just, reasonable, safe, adequate, and sufficient service, facilities, rules, regulations, or practices thereafter to be put in force, observed, rendered, used, or furnished in the performance of its public duties by said public service company or companies; and thereupon it shall be the duty of every public service company affected by said order to observe and obey said order, and all and every the mandates and requirements thereof.

Section 3. Whenever the commission shall determine, after hearing, had upon its own motion, or upon complaint, that the rates, fares, tolls, or charges established, demanded, exacted, charged, or collected by any public service company or companies, for any service rendered or furnished, are unjust or unreason-

able or inadequate, or are unjustly discriminatory or unduly or unreasonably preferential; or that the facilities or service furnished or rendered by any public service company or companies are unjustly discriminatory, or unduly or unreasonably preferential; in favor of or against any particular person, corporation, locality, or any particular kind or description of traffic or service,—then the commission shall determine, and prescribe by a specific order, the maximum, just, due, equal, and reasonable rates, fares, tolls, and charges to be thereafter established, demanded, exacted, charged, or collected for the service to be performed; and the just, due, equal, reasonable, and proper regulations and practices, as affecting such rates, to be observed by the public service company; and the commission may classify such rates. The said order shall be served, as hereinafter provided, upon all public service companies by which such rates, fares, tolls, and charges, and such regulations and practices affecting the same, are thereafter to be charged and observed. The power to fix maximum rates or charges shall include the power to fix joint rates or charges where joint service is rendered by two or more public service companies, or where other public service companies may be interested in the rate or charge.

To fix rates.

To fix joint rates.

Section 4. Whenever the commission receives notice of any change proposed in any tariff or schedule filed or posted under the provisions of this act, it shall have power, either upon complaint or upon its own motion, and, if it so orders, without answer or other formal pleading by the interested public service company, after notice, to hold a public hearing, and make investigations as to the propriety of such proposed change and of the new rate, practice, or classification. After such hearing and investigation, whether completed before or after such change goes into effect, the commission may make such order in reference to the new rate, practice, and classification as would be proper in a proceeding initiated after the same had become effective. At any such hearing involving any proposed increase in any rate, the burden of proof to show that such increased rate is just and reasonable shall be upon the public service company.

Change of rates, etc.

Hearing.

To fix rates, etc

The commission shall have power, in its discretion, and for good cause shown, to permit changes in the tariffs or schedules filed and published, upon less than the thirty days' notice specified in article two, section one (g), of this act, or upon other conditions which shall be just and reasonable.

Notice of change.

The commission shall also have power, in its discretion, where any notice of increase in any rates, fares, tolls, or charges of a public service company has been filed, to require by general rule or special

Certificate of excess payment.

order that such company shall furnish to its shippers, consumers, or other patrons a certificate or other evidence of payments made by them in excess of the prior established rate.

Section 5. If, after hearing, upon complaint or upon its own motion, the commission shall determine that any rates which have been collected, or any acts which have been done or omitted to be done, or any regulations, classifications, or practices which have been enforced for, or in relation to, any service rendered after this act becomes effective, by any public service company complained of, were in violation of any order of the commission, or were unjust and unreasonable or unjustly discriminatory, or unduly or unreasonably preferential; or, in like manner, shall find that the rates so collected are in excess of the rates contained in the tariffs or schedules of any such public service company on file or posted, and in effect and applicable at any time the said service was rendered,—the commission shall, upon petition, have the power and authority to make an order for reparation, awarding and directing the payment to any such complainant, petitioner, within a reasonable time specified in the order, of the amount of damages sustained in consequence of said unjust, unreasonable, or unlawful collections, acts or commissions, regulations, classifications or practices, of such public service company: Provided, That such damages have been actually sustained by such complainant petitioner.

The commission shall state in said order the exact amount to be paid, as well as its findings upon pertinent questions of fact.

If the public service company does not comply with the aforesaid order for the payment of money within the time fixed therein, the person named therein, to whom such payment is directed to be made, may sue therefor in any court of common pleas of this Commonwealth; and said order made by the commission shall be prima facie evidence of the facts therein stated, and that the amount awarded is justly due the plaintiff in such suit, and the defendant public service company shall not be permitted to avail itself of the defense that the service was, in fact, rendered to the plaintiff at the rate contained in its tariff or schedules in force at the time payment was made and received.

No reparation, as herein provided, shall be awarded by the commission unless the complaint or petition shall have been filed with it within two years from the time when the cause of action accrued. A suit for the enforcement of an order directing such pay-

Reparation.

Order.

Proviso.

**Findings
of fact.**

**Suit for en-
forcement.**

Limitations.

ment shall be filed in the said court of common pleas within one year from the date of the order, and not after.

No action shall be brought in any court on account of the wrongs or injuries referred to in this section, unless and until the commission shall have determined that the rate, regulation, classification, practice, act, or omission in question was unjust, unreasonable, or unjustly discriminatory or unduly or unreasonably preferential, or in excess of the rates contained in the said tariffs or schedules, and, then, only to recover such damages as may have been awarded and directed to be paid by the commission in said order.

Section 6. In the case of any street railway corporation or incline plane corporation, the commission may also, whenever it may deem it necessary or proper, for the accommodation, convenience or safety of the public, in the conveyance of passengers, after hearing had upon its own motion or upon complaint, require such street railway corporations or incline plane corporations to transfer such passengers to or from another part of the system of the said street railway corporation or incline plane corporation; and, to this end and object to make proper and convenient arrangement or adjustment of the time schedules of said street railway corporation or incline plane corporation; and also to make such proper and convenient adjustment of its time schedules with those of other contiguous or connecting street railway corporations or incline plane corporations, as to the commission shall deem necessary or proper, for the accommodation, convenience, and safety of the public.

Transfers.

Time schedules.

Connected service.

Section 7. The commission shall have power to require railroad corporations and street railway corporations to construct and maintain such switch or other connections, with or between the lines of other companies of the same character, as are reasonably practicable, and as the commission shall deem necessary and proper, for the service, accommodation, and convenience of the public; and shall also have power to establish through routes and joint rates and classifications, for the conveyance of persons and property between any two or more points within this Commonwealth, whenever the railroad corporations concerned shall have refused or neglected voluntarily to establish such through routes and joint rates and classifications, and to prescribe the just terms and conditions under which said through routes shall be operated: Provided, That, in establishing such through route, the commission shall not require any railroad company, without its consent, to embrace in such route substantially less than the entire length of

Connection of
railroads and
railways.

Through routes
and joint rates.

Provido.

its railroad and of any intermediate railroad, operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, unless to do so would make such through route unreasonably long as compared with another practicable through route which would otherwise be established.

Ascertainment of
cost, etc.

The commission shall, in case of failure of the railroad corporations or street railway corporations concerned to agree among themselves upon the division of the cost of construction, maintenance, and operation of the connections thus provided for, or the allowance to be made for the interchange of service, or the apportionment of any joint rates, ascertain, and by order prescribe and fix, the equitable and just apportionment and division of the same.

Exception.

Nothing in this section shall give the commission power over street railway corporations engaged in the business of carrying passengers, but not engage in the general business of transporting freight, and which do not generally solicit the transportation of freight as a main branch of their business.

Connection of
telegraph lines.

Section 8. In the case of a telegraph corporation, or person engaged in the public telegraph business, the commission may also, whenever it may determine it to be necessary or proper for the accommodation or convenience of the public so to do, after hearing had upon its own motion or upon complaint, require any such telegraph corporation or person to permit any other such telegraph corporation, or person engaged in the public telegraph business, to connect its or his lines of telegraph with the lines of telegraph of such first-named telegraph corporation or person; and interchangeably to receive dispatches from and for each other, and from and for any individual or individuals; and, on payment of its or his usual charges to individuals for transmitting dispatches, as established by the rates and regulations of such telegraph corporation or person, or by the commission as hereinafter provided, to transmit such dispatches with impartiality and good faith.

Connection of
telephone lines.

Section 9. Whenever the commission shall find that there are any two or more telephone companies whose lines form a continuous line of communication, or could be made to do so by the construction and maintenance of suitable connections between the several lines at common points, for the transmission of conversations between different localities which are not reached by the lines of either company alone, and that such connections and facilities for the through transmission of conversations, jointly, over the several lines,

can reasonably be made, and an efficient service can be obtained without injustice to either company, and without substantial impairment or detriment to the service to be rendered by either company, and that a public necessity exists therefor; or shall find that any two or more telephone companies have failed to establish just and reasonable joint rates or charges for through service, by or over their several lines so connected, and that such joint rates or charges ought to be established, in order to supply a through traffic and communication between different localities not otherwise provided for, or proffered by the companies in question, or either of them,—the commission may by its order require that such connection be made and facilities supplied, and that through conversations be transmitted thereby; and may prescribe the through line and joint rates and charges to be made and to be used and in force in the future; and shall appoint or approve necessary and proper conditions, rules, and regulations for the joint through traffic, and an equitable apportionment between the several companies of the costs and revenues in connection therewith, and the commission may fix the same by its order, to be duly served upon the company or companies affected.

Joint through
traffic.

Section 10. Where the public service companies entitled to share in any joint rate or charge shall be unable to agree upon the division thereof, or shall make any unjust, unreasonable, or unduly discriminatory or preferential division or apportionment thereof, the commission may, after hearing, upon its own motion or upon complaint, fix the proportion to which every such public service company shall be entitled.

To fix propor-
tions of joint
rates.

Section 11. The commission may investigate the rates or interstate traffic facilities or service of common carriers within this Commonwealth, and when such rates, facilities, or service are, in the determination of the commission, unjust, unreasonable, or unjustly discriminatory, or unduly or unreasonably preferential, or in violation of the interstate commerce law, or in conflict with the rulings, orders, or regulations of the Interstate Commerce Commission, the commission may apply by petition to the said Interstate Commerce Commission for relief, or may present to the said Interstate Commerce Commission all facts coming to its knowledge as to the violation of the rules, orders, or regulations of that commission, or as to the violation of the interstate commerce law.

Interstate Com-
merce Commis-
sion.

Section 12. Except in cases in which grade crossings are in process of abolition at the time of the passage of this act, under agreement or contract with a municipality, as set forth in the proviso of section

Crossings.

five of article three of this act, the commission shall have exclusive power to determine, order and prescribe, in accordance with plans and specifications to be approved by it, the just and reasonable manner, including the particular point of crossing, in which the tracks or other facilities of any public service company may be constructed across the tracks or other facilities of any other public service company at grade, or above or below grade, or at the same or different levels; or in which the tracks or other facilities of any railroad corporation or street railway corporation may be constructed across the tracks or other facilities of any other railroad corporation or street railway corporation, or across any public highway, at grade, or above or below grade; or in which any public highway may be constructed across the tracks or other facilities of any railroad corporation or street railway corporation at grade, or above or below grade; and to determine, order and prescribe the terms and conditions of installation and operation, maintenance and protection, of all such crossings which may now or hereafter be constructed, including the stationing of watchmen thereat, or the installation and regulation of lights, block or other system of signaling, safety appliances, devices, or such other means or instrumentalities as may to the commission appear reasonable and necessary,—to the end, intent, and purpose that accidents may be prevented and the safety of the public promoted. No such crossing shall be constructed without the approval of the commission, evidenced by its "Certificate of Public Convenience," as provided in section five of article three of this act; but in no case shall the approval or consent of any court, board, or other commission or officer, or of any municipality, be necessary therefor. It shall be proper, however, for the commission, by general rule or order, whenever the same can be properly regulated by suitable general rule, to prescribe the terms and conditions under which such crossing may be constructed, operated, maintained, or protected, without the particular approval of the commission.

The commission shall also have exclusive power, upon its own motion or upon complaint, and after hearing as hereinafter provided (of which all the parties in interest, including the owners of adjacent property, shall have due notice), to order any crossing aforesaid, now existing or hereafter constructed at grade, or at the same or different levels, to be relocated or altered, or to be abolished, according to plans and specifications to be approved, and upon just and reasonable terms and conditions to be prescribed, by the commission.

At grade, or
above or below
grade.

Approval.

General rule
or order.

Relocation,
alteration, etc.

The compensation for damages which the owners of adjacent property, taken, injured, or destroyed, may sustain in the construction, relocation, alteration, or abolition of any such crossing specified in this section (for which compensation the said owners are hereby invested with warrant of authority, upon appeal from the determination of the commission, to sue the Commonwealth), shall, after due notice and hearing, be ascertained and determined by the commission; and such compensation, as well as the expense of the said construction, relocation, alteration, or abolition of any such crossing, shall be borne and paid, as hereinafter provided, by the public service company or companies or municipal corporations concerned, or by the Commonwealth, either severally or in such proper proportions as the commission may, after due notice and hearing, in due course, determine, unless the said proportions are mutually agreed upon and paid by those interested as aforesaid.

Compensation
for damages.

Payment.

In prescribing the terms and conditions, upon which any such crossing may be constructed or relocated, or altered or abolished, and the proportionate contributions to the expense thereof, including the damages or compensation to the owners of adjacent property, as aforesaid, the commission may, among other things, take into consideration the relative importance to the public of the services rendered by the public service companies concerned, as well as the priority of location: Provided, That where any portion of the cost and expense thereof shall have been or shall be borne in the future by the Commonwealth or any municipal corporation, such portion shall not be taken into account by the commission in fixing any valuation, for any purpose, under any of the provisions of this act: And provided further, That where the order of the commission shall, as part of the regulation of the construction, relocation, alteration, or abolition of any crossing aforesaid, require, as incidental thereto, a relocation, changes in or the removal of any adjacent structures, equipment or other facilities of any telegraph, telephone, gas electric light, water-power, water pipe-line, or other public service company, said company shall, at its own expense, relocate, change, or remove such structures, equipment, or other facilities, in conformity with the order of the commission; and, in default of compliance with such order, the commission shall cause the work and materials to be done and furnished in accordance with the said order, and may recover the cost and expense thereof from the said public service company.

Terms and
conditions.

Proviso.

Cost and expense
borne by the
Commonwealth,
etc.

Proviso.

Relocation or
change in
structures, equip-
ment, etc.

Before the commission shall make any final order relative to the construction, relocation, alteration, or

Public highway
or street.

abolition of any crossing involving any public highway or street, an effort shall be made by the commission to reach an agreement with the proper officials of the municipal corporations concerned, determining the plans and specifications governing such crossings; and, in default of such agreement, the commission shall exercise the exclusive power vested in it under this section, and shall finally determine and adopt the complete plans and specifications, and locate all lines and grades in said public highways and streets, and may permit the public service company or companies, or the municipal corporation, to do the whole or any portion of the work in accordance therewith; otherwise, the commission shall do the work by contract or contracts, to be awarded, after due advertisements, to the lowest responsible bidder in accordance with the said plans and specifications.

Final order.

Rights of contractor.

The said contractor shall be authorized, in the name of the commission, to collect by due process of law from the public service company or companies, or the said municipal corporations, or from the Commonwealth, either severally or proportionately as may be determined by the commission, the amount which may be justly due him under the terms of his said contract with the commission; and any amount so determined to be paid the said contractor by the Commonwealth, as well as the amount of damages or compensation determined and awarded to be paid the owners of adjacent property, as aforesaid, shall in each instance be paid by the State Treasurer, on a warrant drawn by the Auditor General, upon the presentation to that officer of a statement setting forth the amount determined to be paid as aforesaid, duly certified by the commission; said payments to be paid out of any funds specifically appropriated for such purpose, or generally appropriated for the improvement of the roads or highways of the Commonwealth; and in case of a verdict and judgment thereon for the damages or compensation, recorded by any such adjacent property owners upon appeal, the same shall be paid out of any funds appropriated as aforesaid; and any court of common pleas hearing and determining said appeal is hereby authorized and empowered to issue a writ of mandamus to said commission, the Auditor General, and the State Treasurer, or any of them as the case may require, for the payment of such judgment.

Payment.

Recovery by the commission.

The commission shall have the right to recover, for and on behalf of the Commonwealth, by due process of law, as debts of like amount are now by law recoverable, from the public service company or companies, or municipal corporations, in such amounts or proportions against each as may be determined by the

commission, as aforesaid, the amount of the damages or compensation awarded to the owners of adjacent property by the commission, or by the court of the proper county on appeal, and the amounts so recovered shall be paid into the State Treasury for the improvement of the roads of the Commonwealth.

Section 13. The commission may, after hearing had upon its own motion or upon complaint, establish such standards of facilities and service of public service companies as shall be reasonably necessary for the safety, accommodation, or convenience of its patrons, employees, and the public; and require, by an order to be served in the manner hereinafter provided upon every public service company affected thereby, the facilities or service of such public service companies to conform to such standards. The commission shall also have power, after hearing had upon its own motion or upon complaint, to require public service companies to make all such repairs, changes, alterations, additions, extensions, and improvements, in and about their facilities and service, as shall be reasonably necessary and proper for the safety, accommodation, convenience, and service of their patrons, employees, and the public.

Standard of
service, etc.

Section 14. The commission shall have power, of its own motion or upon complaint, to institute any inquiry or investigation, and to determine, upon hearing or rehearing had for that purpose, whether any public service company has, after the date when this act shall become effective, issued or made any increase in the issue of any stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities, whether such bonds, notes, or other evidences of indebtedness, or other securities be payable at periods of more or less than twelve months, in violation of any of the provisions or requirements of this act; and, if so, to determine and find the nature and extent of such violations, and, subject to the provisions for rehearing and appeal, shall certify the record of such hearing and finding to the Attorney General to institute, in the name of the Commonwealth, such proceedings in equity or law, civil or criminal, as shall be necessary or proper to enforce the provisions of this act, and to restrain and prevent such public service company from consummating or continuing any act or acts alleged to have been done or to be contemplated in violation of the provisions or requirements of this act or of the laws or Constitution of the Commonwealth.

Investigations of
issue of stocks,
bonds, etc.

Section 15. The commission may, and shall after hearing had upon its own motion or upon complaint, establish, by an order to be served as hereinafter provided upon every public service company affected

System of
accounts.

Classification.

thereby, a system of accounts to be used by such public service companies; and may also, in its discretion, prescribe the manner and form in which accounts, records, and memoranda shall be kept by public service companies, including the accounts, records, and memoranda of the conveyance of passengers and property, and a proper and reasonable depreciation account, as well as the receipts and expenditures of money. And the commission may classify public service companies, and prescribe the system of accounts to be adopted and used by each class, and may prescribe the manner and form in which such accounts shall be kept, and may subdivide each class according to the volume of business transacted, or otherwise. And the commission shall have power, upon application, to relieve any public service company from the duty of carrying a depreciation account.

The commission may, and shall after hearing had as aforesaid, prescribe the accounts in which particular outlays and receipts shall be entered, charged, or credited.

The commission may also, after hearing as aforesaid, require that no expenditures shall be charged to any operating account that should properly be charged to the capital account, or vice versa; and require that all and every the receipts and expenditures of public service companies be properly apportioned among the various accounts which it may establish.

Access to
records, etc.

The commission shall at all times have access to all accounts, records, and memoranda kept by public service companies; and may designate any of its officers or employees, who shall thereupon have authority to inspect and examine any and all accounts, records, and memoranda kept by such public service companies. The commission shall also have power to require the making and filing with it of all reports, records, maps, documents, data, and information, whenever it deems the same necessary and proper in the public interest or to carry out the provisions of this act: Provided, That where any municipal corporation is engaged in rendering or furnishing to the public any service of the kind or character rendered or furnished by public service companies, the provisions of this section shall apply to said municipal corporation with respect to such service. And provided further, That in case of any public service company subject to the jurisdiction of the Interstate Commerce Commission, the systems of accounts, records, and memoranda prescribed by the commission shall conform to those prescribed by the Interstate Commerce Commission.

Reports, records,
maps, etc.

Proviso.

Municipal
corporation.

Proviso.

Forms of tariffs
and schedules,
etc.

Section 16. The commission shall have power to prescribe the form of the tariffs and schedules required to be filed and posted and published by public

service companies under this act; and the rules and regulations as to the filing, posting, and publishing, and the manner and places of posting and publishing thereof, in the case of public service companies also subject to the Interstate Commerce Commission, shall conform as nearly as practicable to those prescribed by the Interstate Commerce Commission.

Section 17. If the commission shall find it necessary and proper to the rendering of reasonably safe and adequate or sufficient service, it may, and shall after hearing had upon its own motion or upon complaint, make an order, to be served as hereinafter provided upon every common carrier to be affected thereby, requiring all such common carriers to revise and change the time schedules of such common carriers; to alter the running time of trains, cars, vehicles, or boats, or changes in the routes of street railway lines or systems; or regulating or requiring the furnishing and distribution of cars, trains, vehicles, boats, motive power, or other facilities, without undue or unreasonable discrimination or preference between shippers, localities, or competitive or non-competitive points; and the switching, loading, and unloading of said trains, cars, vehicles, boats, or other facilities; the weighing or billing of cars and of property offered for shipment; or regulating demurrage charges, track-storage charges, package-room or baggage-room charges, and package or baggage transfer rates and charges; and, generally, to make such other arrangements and improvements in service and facilities as shall be just and reasonable, having due regard to the needs of the public under all the circumstances presented.

Section 18. When application shall be made to the commission by any proposed public service company for the approval by said commission of its incorporation, or organization, or creation; or by any public service company for the approval by the commission of the renewal of its charter, or the obtaining of any additional rights, powers, franchises, or privileges by any amendment or supplement to its charter, or otherwise; or for permission from the commission to begin the exercise of any right, power, franchise, or privilege; or for the approval by the commission of the sale, assignment, transfer, lease, consolidation, or merger of any of its powers, franchises, or privileges with any other corporation or person; or when application shall be made to the commission by any public service company for the approval by the commission of the purchase, acquisition, taking, or holding, either in absolute ownership or in pledge or as collateral security, directly or indirectly, of any controlling right, title, or interest, legal or equitable, to or in the capital stock, trust certificates, bonds, or other evidences of indebtedness

Facilities and services.

Approval of commission.

Additional franchises.

Sale, lease, merger, etc.

Controlling rights.

Connection of
telegraph lines.

Connection of
telephone lines.

Crossings.

Public con-
venience or
safety.

Investigation,
hearing,
valuation.

Certificate of
public con-
venience.

or other securities, or other controlling right, title, or interest whatsoever, in any other public service company; or when application shall be made to the commission by any telegraph corporation, or person or persons engaged in the public telegraph business, for the approval by the commission of the connection of its or his lines of telegraph with the lines of any other such telegraph corporation, or person engaged in the public telegraph business; or when application shall be made to the commission by any telephone corporation, or person engaged in the public telephone business, to connect, use, and interchange its or his lines, facilities, and service with the lines, facilities, and service of any other such telephone corporation, or person engaged in the public telephone business; and for the determination by the commission of the just compensation, terms, and conditions of such connection, use, and interchange; or when application shall be made to the commission for the approval of the construction, alteration, relocation, or abolition of any crossing at grade, or above or below grade; or when application shall be made to the commission by any public service company for any approval under any of the provisions of this act; or when application shall be made to the commission by any municipal corporation for the approval required by the provisions of article three, section three (d), of this act,—such approval, in each and every such case, or kind of application, shall be given only if and when the said commission shall find or determine that the granting or approval of such application is necessary or proper for the service, accommodation, convenience, or safety of the public.

Section 19. For the purpose of enabling the commission to make such finding or determination it shall hold such hearings, which shall be public, and subpoena and examine such witnesses, and compel the production of and examine such books, papers, contracts, or other documents, and make such inquiries, physical examinations, valuations, and investigations as it may deem necessary or proper, in enabling it to reach a determination. Due notice of every such hearing shall be given, and in every case the commission shall make a finding or determination in writing, stating whether or not its approval is given and, if given, shall issue its certificate, to be known as its Certificate of Public Convenience, under its seal, and file among its records a duplicate of every such certificate.

Section 20. (a) The commission shall have power, upon application or upon its own motion, to ascertain and determine the fair value of the property of every

public service company in this Commonwealth, and to determine any matter in connection therewith; and shall exercise the said power whenever the same is required, or whenever it shall deem such valuation or determination necessary or proper under any of the provisions of this act.

In ascertaining and determining such fair value, the commission may determine every fact, matter, or thing which, in its judgment, does or may have any bearing on such value; and may take into consideration, among other things, the original cost of construction, particularly with reference to the amount expended in the existing and useful permanent improvements; with such consideration for the amount in market value of its bonds and stocks, the probable earning capacity of the property under particular rates prescribed by statute or ordinance, or other municipal contract, or fixed or proposed by the commission, and for the items of expenditures for obsolete equipment and construction, as the circumstances and the historical development of the enterprise may warrant; the reproduction costs of the property, based upon the fair average price of materials, property, and labor, and the developmental and going concern value of such public service company; and these, and any other elements of value, shall be given such weight by the commission as may be just and right in each case.

(b). The commission shall also have power to make revaluations of the property of any public service company, from time to time, and to ascertain and determine the value of new construction, extensions, and additions to the same.

(c). The commission shall have power to establish reasonable general or special rules with respect to the preparation of such valuations, the forms to be followed, the inventories and statements and proofs of original cost to be made, and all other matters, figures, data, and information in connection therewith.

Section 21. When application shall be made to the commission by any public service company for the ascertainment and determination of the amount paid or agreed to be paid to the Commonwealth, or any political subdivision thereof, as the consideration for the grant of any franchises, rights, powers, privileges, or right to own or operate or enjoy any such franchises, rights, powers, or privileges; or for the ascertainment and determination of the aggregate values of the properties of any public service companies consolidated or merged; or for the ascertainment and determination of the value of the property of any public service company reorganized, under the provisions of

Cost of construction.

Bonds and stocks.

Earning capacity.

Reproduction cost.

Revaluations.

Rules.

Valuation.

Franchise.

Consolidation and merger.

Reorganization.

an act of Assembly approved the eighth day of April, one thousand eight hundred and sixty-one, entitled "An act concerning the sale of railroads, canals, turnpikes, bridges, and plank roads," or any supplement thereto or amendment thereof; or for a certificate that the provisions of paragraph (a) of section four of article three of this act, relating to the issuing of stocks or making any increase in the issue thereof by public service companies, have been complied with; or for the ascertainment and determination of the value of any property or labor, for which any bonds, notes, or other evidences of indebtedness, running for more than twelve months, are issued; or for the ascertainment and determination of the value of any other fact, matter, or thing of which the commission is authorized to ascertain and determine the value under the terms of this act,—then, and in every such case, for the purpose of making such ascertainment or determination of value, the commission shall hold such hearings, which shall be public, and subpoena and examine such witnesses, and compel the production of, and examine, such books, papers, or other documents, and make such inspection, inquiries, physical examinations, valuations, and investigations, as it may deem necessary or proper to enable it to reach a determination. Due notice of every such public hearing shall be given, and in every such case the commission shall make a finding or determination in writing, stating the value ascertained by the commission, and shall issue its certificate, to be known as its Certificate of Valuation, under its seal, and file among its papers a duplicate of every such certificate. Any such findings or determinations shall be subject to the right of rehearing and appeal, as hereinafter provided.

Certificate.

Property or labor.

Any valuation.

Public hearings.

Notice.

Certificate of valuation.

Rehearing and appeal.

Saving proviso.

What a certificate shall be deemed to certify, and what not.

The issuing by the commission of any Certificate of Public Convenience or any Certificate of Valuation, enumerated or provided for in this act, or any finding, determination, or order made by the commission, refusing or granting such certificates, shall not be construed to revive or validate any lapsed, terminated, invalidated, or void powers, franchises, rights, or privileges; or to enlarge or add to the rights, powers, franchises, or privileges contained in any charter, or in the grant of any franchises or any supplement or amendment to any charter, or to waive or remit any forfeiture. The issuing by the commission of any Certificate of Valuation, enumerated or provided for in this act, shall be deemed to certify only to the fact that said securities were issued for money, labor done, or money or property actually received; and shall not be taken as requiring the commission, in any subsequent valuation of the property of any public service company, for the purpose of ascertaining the

amount to be paid to said public service company for its property, to fix a valuation which shall be sufficient to yield a return to the holders of said securities; neither shall said Certificate of Valuation be deemed to require the commission, in subsequently determining the rates to be charged for the service of said public service company, to provide a rate which shall be sufficient to yield a return on said securities.

Section 22. The commission shall have full power and authority to require public service companies to report or account to the commission for the deposition and application of the proceeds of all sales or pledges of all stocks, trust certificates, bonds, notes, and other evidences of indebtedness or other securities, which accounts and reports shall be made in such form and detail as to the commission may seem advisable, and in accordance with reasonable rules and regulations which may be adopted by the commission.

Accounting for
proceeds of
securities.

Section 23. The commission shall have full power and authority, either by or through its members, agents, or employees, duly authorized by it, whenever it shall deem it necessary or proper for the purposes of determining whether it shall issue any Certificate of Public Convenience or Certificate of Valuation, or for the purpose of investigating the safety, adequacy, and sufficiency, or reasonableness, of any service or rates, fares or charges, of any public service company, or in carrying out of any of the provisions of this act, to enter upon the premises, buildings, machinery, system, plant, and equipment, and make any inspection, valuation, physical examination, inquiry, or investigation of any and all plant and equipment, facilities, property, and pertinent books, papers memoranda, documents, or effects whatsoever, of any public service company, and to hold any hearing for such purposes. In making such valuations or revaluations, the commission may have access to and use any books, documents, or records in the possession of any department or board of the Commonwealth or any political subdivision thereof.

Inspection and
examination.

Section 24. The commission shall as a commission, or by its individual members, have the power in any part of the Commonwealth to subpoena witnesses, to administer oaths, to examine witnesses, or to take such testimony, or compel the production of such books, papers, and documents, as it may deem necessary or proper in and pertinent to any proceeding, investigation, or hearing held or had by it, and to do all necessary and proper things and acts in the lawful exercise of its powers or the performance of its duties.

Subpoena, etc.

Section 25. The commission may require every public service company subject to its jurisdiction to file

I. C. C.
reports.

Other reports.

Rules and
regulations.

Comprehensive
powers.

Rescind or
modify orders,
etc.

General powers.

Provisions of
act.
Cumulative, etc.

with it a copy of its reports as filed with the Interstate Commerce Commission of the United States; and as to all public service companies subject to this act, and not subject to the Interstate Commerce commission, may require that such public service companies file reports in the form prescribed by the commission.

Section 26. The commission may make such rules and regulations, not inconsistent with the law, as may be necessary or proper in the exercise of its powers or for the performance of its duties; and whenever the commission shall determine it to be necessary, in the interests of the public, to withhold from the public any facts or information obtained during the progress of any investigation, such facts and information may be so withheld.

Section 27. In addition to the foregoing expressly enumerated powers, the commission shall have full power and authority, and it shall be its duty, to enforce, execute, and carry out, by its orders, rulings, regulations, or otherwise, all and singular the provisions of articles two and three of this act, relating, respectively, to the duties and limitations, and to the creation and the powers, and limitations of the powers, of public service companies; and, all and singular, the other provisions of this act, and the full intent thereof; and shall have the power to rescind or modify any such orders, rulings, or regulations.

Section 28. The enumeration of the powers of the commission, as herein set forth, shall not exclude any power which the commission would otherwise have under any of the provisions of this act.

Section 29. Except as herein otherwise expressly provided, none of the powers or duties conferred or imposed by this act upon the commission, and none of the orders, regulations, rules, or certificates made or issued by the commission, and none of the duties, powers, or limitations of the powers, conferred or imposed by this act upon public service companies, or the performance or exercise thereof, shall be construed in anywise to abridge or impair any of the obligations, duties, or liabilities of any public service company in equity or under the existing common or statutory law of the Commonwealth; but all such obligations, duties, and liabilities shall be and remain as heretofore. And, except as herein otherwise provided, nothing in this act contained shall in any way abridge or alter the existing rights of action or remedies in equity or under the common or statutory law of the Commonwealth, it being the intention that the provisions of this act shall be cumulative, and in addition to such rights of action and remedies.

ARTICLE VI.

Practice and Procedure before the Commission and upon Appeal.

Section 1. All hearings before the commission or before any commissioner, shall be public; and all hearings, investigations, and proceedings by the commission shall be governed by such rules, not inconsistent with this act, as shall be adopted and prescribed by the commission. No individual shall be excused from testifying, or from producing any books, papers, documents, or other evidence, in any investigation or inquiry by or upon any hearing before the commission or any commissioner, when ordered to do so by the commission or such commissioner, upon the ground or for the reason that the testimony, books, papers, documents, or other evidence required of him, may tend to criminate him or subject him to penalty or forfeiture. But no individual shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he shall testify or produce books, papers, documents, or other evidence. No individual so testifying shall, however, be exempt from prosecution or punishment for any perjury committed in so testifying; and nothing herein contained shall give, or shall be construed as in any matter giving, unto any individual immunity of any kind from the law, except as herein expressly provided, or as giving unto any corporation immunity of any kind from the law. Any person who shall wilfully and corruptly give any false testimony, under oath or affirmation, in any hearing, investigation, or proceeding before or by the commission or any commissioner, or before any notary public or other person authorized by the provisions of this act to take such testimony, shall be guilty of a misdemeanor, and punishable by a fine not exceeding five thousand dollars, or imprisonment not exceeding one year, either or both, in the discretion of the court.

Public hearings.

Duty to produce evidence.

Immunity.

Perjury, etc.

Penalty.

Section 2. The commission may require copies of books, papers, or abstracts thereof, to be sent to it in any part of the Commonwealth, in all cases in which it would have the right to examine the originals or compel their production before it. All subpoenas issued by the commission shall be under its seal, and shall be signed by a commissioner or by the secretary, and may be served by any adult in any part of this Commonwealth.

Copies of documents.

Subpoenas.

Service.

Each witness required to attend before the commission or a commissioner shall receive for each day's attendance the sum of one dollar and fifty cents, and

Witness fees.

Mileage.	shall receive, in addition, the sum of three cents for each mile circular traveled by such witness, by the usual route, between his home and the place where his presence is required.
How paid.	All disbursements made in the payment of such fees shall be included in, and paid in the same manner as is provided for, the payment of other expenses of the commission.
Fees for service of subpoenas, etc.	The fees for serving a subpoena shall be the same as those paid the sheriff for similar services. The fees, expenses, and costs of, or in connection with, any hearing may be imposed by the commission upon any party to the record, or may be divided between any or all parties to the record in such proportions as the commission may determine.
Costs of hearing.	
Disobedience to subpoena.	Section 3. If any individual who shall be subpoenaed to attend before the commission or a commissioner shall fail to obey the command of such subpoena, or if any individual in attendance before the commission or a commissioner shall refuse to be sworn or to be examined, or to answer any relevant question, or to produce any relevant book, paper, or document, when ordered so to do by the commission or a commissioner, the commission or commissioner may invoke the aid of any court of common pleas within this Commonwealth to enforce such attendance and testimony of witnesses, and the production of books, papers, and documents; and such court, on due cause shown, shall issue an order requiring any person to appear before said commission, or commissioner, and produce books, papers, and other documents, if so ordered, and give testimony touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof, in the same manner as in the case of disobedience of the requirements of a subpoena issued from such courts, or a refusal to testify or produce evidence therein.
Refusal to give evidence.	
Aid of court.	
Order of court.	
Contempt of court.	
Evasions by officers and employees of public service companies.	Section 4. If such person be an officer, director, or employee of a public service company being a party to the proceeding before the commission or commissioner, or if any person being an officer, director, or employee of such public service company, shall absent himself from the jurisdiction of the Commonwealth or conceal himself for the purpose of avoiding service of a subpoena; or shall remove relevant books, papers, or other documents out of this Commonwealth for the purpose of preventing their examination by the commission; or shall destroy or conceal any such books, papers, or other documents for such purpose,—he shall be adjudged guilty of contempt; and the said court of common pleas may impose a fine of not less than one hundred dollars for each day during the continuance
Concealment.	
Removal or destruction of documents.	
Contempt of court.	
Fine.	

of such refusal, neglect, concealment, or removal; and if the said court shall find that the neglect, refusal, or concealment, or the removal or destruction of books, papers, or other documents, by such witness, has been occasioned by the advice or consent of such public service company, or in anywise aided or abetted by it, then, in default of payment of said fine by the person in contempt, the same shall be paid by said public service company, and may be recovered from it by an action, in the name of the Commonwealth, in the said court of common pleas, as other like fines and penalties are now by law recoverable. Imprisonment for contempt shall be by commitment to the county jail of the county in which such hearing is had.

Section 5. The testimony of any aged, infirm, going, or non-resident witness may be taken before any commissioner, at any time or place, upon not less than forty-eight hours' notice, or before any notary public or other person authorized to administer an oath, as may be provided by the laws of this Commonwealth, or by any general or special rule of the commission.

Section 6. Any person or corporation, public service company or municipality, complaining of anything done or about to be done, omitted or about to be omitted, by any public service company, in violation of any of the requirements or provisions of this act, or of any lawful determination, ruling, or order of the commission, may apply to the commission by petition, duly verified by the affidavit of the complainant, which shall contain a concise statement of all the material facts upon which the complaint is founded. Said petition shall be filed of record with the commission; where upon a copy of the petition thus presented and filed shall forthwith be forwarded by registered mail, by the commission, to any officer or agent of the public service company or public service companies complained against, accompanied by a notice from the commission calling upon the public service company or public service companies complained against to satisfy the complaint, or to answer the same in writing, within such reasonable time as may be specified by the commission in said notice.

Section 7. If such public service company, within the time specified, shall satisfy the complaint, the commission shall dismiss the petition, but said public service company shall be relieved from responsibility only for the specific matter complained of. If such public service company shall not satisfy the complaint within the time specified, and it shall appear to the commission, from a consideration of the complaint and answer, or otherwise, that reasonable ground exists for

Payment of
fine by company.

Imprisonment.

Testimony of
non-resident wit-
nesses, etc.

Procedure by
complaint.

Verification.

Contents.

Filing.

Service of copy.

Notice to satisfy
or answer.

Amicable satisfac-
tion of
complaint.

Failure to satisfy.

Reasonable grounds.

Time and place of hearing.

Stenographic notes of testimony.

Record.

Action by the commission of its own motion.

Hearing upon violation of commission's orders.

Burden of proof.

Written finding, determination, or order upon complaint.

Written finding, etc.

Rescinding and modification of orders

investigating said complaint, it shall be the duty of the commission to fix a time and place for a hearing, and to investigate the matter complained of in accordance with the provisions of this act. Notice of the time and place of such hearing shall be given to the petitioner and to the public service company or companies complained against, in such manner as the commission may prescribe. The testimony shall be taken down by the stenographer appointed by the commission, and a full and complete record shall be kept of all proceedings had before the commission or any commissioner on any hearing or investigation.

Section 8. The commission may also, upon its own motion, and upon such notice as it may deem reasonable under the circumstances, institute any similar inquiry or investigation, and fix a time and place for a hearing, with the same effect as though complaint had been made as aforesaid and satisfaction thereof refused.

Section 9. Where any petition complains, as aforesaid, of any violation of any lawful determination, ruling, or order of the commission (to be made as hereinafter provided), and it shall appear to the commission that reasonable ground exists for investigating said complaint, and a hearing or investigation is had upon said complaint, the burden of proof shall be upon the public service company complaining against to show that the determination, ruling, or order of the commission has been complied with.

Section 10. Whenever the commission shall investigate any matter complained of, under the provisions of this act, it shall be its duty to make and file of record a written finding, determination, or order, either dismissing the complaint or directing the public service company or companies complained against to satisfy the cause of complaint, in whole or to such extent and within such time as the commission may specify, require and order. No complaint shall at any time be dismissed merely because of the absence of direct damage to the complainant, except in cases of petitions for an order directing the payment of damages alleged to have been actually sustained, as provided in article five, section five, of this act.

Section 11. The commission shall likewise make and file a written finding, determination, or order in all hearings or investigations instituted on its own motion. The commission may also prepare and file a written opinion with any determination or order.

Section 12. The commission shall have the power to rescind or modify findings, determinations, or orders made under the provisions of this act, upon such no-

tice and in such manner as it shall deem proper, and may grant rehearing for cause shown.

Section 13. Every final order of the commission shall be served, in any county of the Commonwealth, upon each public service company affected thereby, either by the marshal of the commission or by an adult person who may be deputized by said marshal for that purpose, in the manner now provided by law for serving a writ of summons upon individuals or corporations; and return of said service shall be made by the person serving said order to the secretary of the commission, in the manner and form now provided by law for making return of the service of a writ of summons; and a certified copy of said order shall be mailed by registered mail to all other parties to the proceedings in which such order is issued, or their respective attorneys; but the failure of any public service company or of any party to the proceedings to receive such copy shall not prevent the said order from being conclusive, and taking effect on the date specified therein, in accordance with its terms.

Service of orders
on companies.

Return of service.

Certified copy of
order mailed.

Section 14. After any finding, determination, or order shall have been made by the commission, any public service company or municipal corporation affected thereby, or any party complainant in the proceedings, or any person, corporation, or public service company, or association duly permitted by the commission, on proper petition and cause shown, to intervene, may apply, within fifteen days after the service of said order, for a rehearing in respect to any matter determined by the commission in or by its hearing or investigation and order issued therein; and the commission may grant and hold such rehearing, if in its judgment sufficient cause therefor be shown. All applications for rehearing shall be by petition, specifically setting forth the grounds upon which such application is based.

Application for
rehearing.

For cause shown.

Section 15. No application for a rehearing shall in anywise operate as a supersedeas, or in any manner stay or postpone the enforcement of the original or existing order, except as the commission may by its order direct.

Supersedeas on
rehearing.

Section 16. After such rehearing, should the same be granted, the commission may affirm, rescind, modify, or amend its original order. Any order so made after such rehearing shall have the same force and effect as an original order.

Order after re-
hearing.

Section 17. Within thirty days after the filing of any finding or determination by the commission, or after the date of service of any order,—unless an application for a rehearing may be pending, and then within thirty days after the refusal of such applica-

Appeal to the
Dauphin County
court.

tion,—or the entry of an order modifying, amending, rescinding, or affirming the original finding, determination, or order, any party to the proceedings affected thereby may appeal therefrom to the Court of Common Pleas of Dauphin County. Provided, That there shall be no appeal from any order for reparation made by the commission, but the suit may be brought as hereinbefore provided. The said court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining any and all said appeals: Provided, That in case of an appeal from the award of damages or compensation by the commission, under any of the provisions of this act, the appeal shall, in case any party is entitled to demand a jury trial under section eight of article sixteen of the Constitution of this Commonwealth, be to the courts of the proper county thereof, but in all other cases shall be to the said Court of Common Pleas of Dauphin County. If an appeal be made to any court other than the Court of Common Pleas of Dauphin County, the case shall be proceeded with therein in accordance with the practice and procedure made and provided in such cases. In case of any appeal from the award by the commission of damages or compensation for property taken, injured, or destroyed, where the commission shall have power to apportion the amount thereof among, or direct the payment thereof by, any public service companies or municipal corporations concerned, any such public service company or municipal corporation may intervene and be heard in the trial of such appeal, under such rules and regulations as the court in which the said appeal may be pending shall prescribe. All appeals to the Court of Common Pleas of Dauphin County shall be by petition to said court, setting forth specifically and concisely the error or errors assigned to the finding, determination, or order of the commission; which petition shall be accompanied by a copy of the original complaint, if any, filed with the commission, as well as a copy of the ruling, determination, or order of the commission appealed from; and shall also be accompanied by affidavit of the party or parties appellant, or if its, his, her, or their agent or attorney, that the appeal is not taken for the purpose of delay, but because the appellant or appellants verily believe that injustice has been done. Each error relied on must be specified particularly and set forth in a separate numbered paragraph of the petition.

Section 18. The commission shall be immediately notified in writing by the appellant or appellants of the taking of an appeal, and within thirty days after ser-

Proviso.

Exclusive jurisdiction.

Proviso.

Procedure.

Appeal from award.

Intervention.

Petition.

Affidavit.

Specification of errors.

Notice of appeals to be given commission.

vice of such notice shall certify under its official seal to the proper court of common pleas, as hereinabove provided, the record of the said proceedings; which record shall include the testimony taken therein, the findings of fact, if any, of the commission based upon such testimony, a copy of all orders made by the commission in said proceedings, and a copy of the opinion, if any, filed by the commission. The cost of preparing and certifying such record shall be paid to the commission by the appellant or appellants, and taxed as part of the costs in the case, to be paid as directed by the court upon the final determination of the appeal.

Certification
of record.

Contents.

Costs.

Section 19. No appeal from any order of the commission (except as hereinafter provided) shall in any case operate as a supersedeas of the order appealed from, unless the aforesaid proper court of common pleas shall, by an interlocutory order, make said appeal a supersedeas; which interlocutory order shall be made only after such notice to the commission and other parties of record as the court may direct, and after a hearing upon said application for an interlocutory order of supersedeas. Upon the granting of a supersedeas upon the application of a public service company in any case(except as hereinafter provided), the court may, in its discretion, require the filing of a bond to the Commonwealth, for the use of all parties aggrieved, in such sum and conditioned as the court may by its order direct, or may grant the supersedeas upon such other terms and conditions as the court in its discretion may prescribe: Provided, however, That in all cases of appeal by a public service company from an order of the commission establishing, changing, or altering, or in any manner affecting, the prices, rates, joint rates, tolls, or charges for any service, such appeal shall operate as a supersedeas upon the filing of a bond to the Commonwealth, in the said court, by said public service company, for the use of all parties so damaged by the failure of such company to comply with the order appealed from, during the period of such supersedeas. Said bond to be in such sum as shall be fixed by the court, and with sureties to be approved by the court, shall be conditioned for the repayment to all such aggrieved parties of any excess over the rate or charge fixed by the commission, which shall be received by such public service company after the making of such order by the commission, if the said order shall be finally affirmed, and may also contain such further conditions as the court may order and direct.

Supersedeas of
order on appeal,
only on special
order.

Bond.

Proviso.

Conditions of
bond.

Section 20. Upon the petition of the commission the said court may order the complainant or complain-

Complainants
may be made
parties to
the record.

ants in the original complaint to be added to the record as a party or parties defendant, and such parties shall be permitted to join in the defense of the order of the commission at issue.

Intervention of
other parties.

The court may also, upon application by petition and cause shown, permit any person or corporation to intervene in the said proceeding and be added as a party plaintiff or defendant therein.

Answer of com-
mission.

Section 21. An answer shall be filed by the commission within thirty days after the service of notice upon it of the taking of an appeal. Leave may also be given by the court to any other party to the record to file an answer. Upon the filing of an answer by the commission the case shall be considered at issue, and a hearing shall be held before said court as hereinafter provided, without further pleadings. Copies of the petition and answer shall be served upon the opposite party or parties within five days after filing the same.

Issue.

Service of
petition and
answer.

Powers of court.

Section 22. At the hearing of the appeal the said court shall, upon the record certified to it by the commission, determine whether or not the order appealed from is reasonable and in conformity with law.

Burden of proof.

Section 23. In all such cases the orders of the commission shall be prima facie evidence of the reasonableness thereof, and the burden of proving the contrary shall be upon the appellant or appellants; and the notes or testimony taken before the commission or any of the members thereof, duly certified under its seal, and filed as aforesaid as a part of the record, shall be considered by the court as the testimony in the case.

Certified testi-
mony.

Order dismissing
appeal.

Section 24. If the court shall, upon the record find that the order appealed from is reasonable and in conformity with law, it shall enter a decree dismissing the appeal and affirming the order of the commission. If the court shall, upon the record, find that the order appealed from is unreasonable or based upon incompetent evidence materially affecting the determination or order of the commission, or is otherwise not in conformity with law, it may enter a final decree reversing the order of the commission, or, in its discretion, it may remand the record to the commission, with directions to reconsider the matter and make such order as shall be reasonable and in conformity with law. In case the said court shall reverse an order of the commission dismissing a complaint, after an investigation and hearing thereon before the commission, it shall remand the record and proceedings to the commission, with directions to reinstate the complaint, proceed to another hearing and investigation, and make such order as shall be reason-

Reversal of order,
or remand to
commission.

Reversing com-
mission's order
dismissing com-
plaint.

able and in conformity with law. In making any final decree on any appeal the court shall have full power to dispose of all costs.

Costs.

Section 25. No evidence shall be received at the hearing on any appeal; but if any party shall satisfy the court that evidence has been discovered since the hearing before the commission that could not have been obtained for use at that hearing by the exercise of reasonable diligence and will materially affect the merits of the case, the court may, in its discretion, remand the record and proceedings to the commission, with directions to take such after-discovered evidence, and, after consideration thereof, enter and file such order as shall in the opinion of the commission be reasonable and in conformity with law, from which order an appeal shall lie as in the case of any other final order.

No evidence other than as certified

After-discovered evidence.

Remand.

Section 26. In all actions and proceedings in said court arising under this act process shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided.

Court procedure.

Section 27. Every sheriff or other officer empowered to execute civil process shall execute any process issued under the provisions of this act, and shall receive such compensation therefor as may be prescribed by law for similar services.

Service of process by sheriff.

Fees.

Section 28. All appeals from the orders of the commission to the said court shall take precedence upon the calendars of the said court over all other civil actions, except election cases and suits for wages.

Appeals shall have precedence.

Section 29. Nothing in this act contained shall be construed to deprive any party, upon any such appeal and judicial review of the proceedings and orders of the commission, of the right to trial by jury of any issue of fact raised thereby or therein, where such right is secured either by the Constitution of the Commonwealth or of the United States, but in every such case such right of trial by jury shall remain inviolate: Provided, however, That when any appeal is taken, such right shall be deemed to be waived upon all issues, unless expressly reserved in such reasonable manner as shall be prescribed by the Court of Common Pleas of Dauphin County.

Trial by jury unaffected.

Proviso.

Waiver on appeal.

Section 30. Any party to the record, aggrieved by the final judgment, order, or decree of the aforesaid proper court of common pleas, may appeal therefrom to the Supreme Court. Such appeal shall be taken and prosecuted in the same manner and form, and with the same effect, as is provided in other cases of appeal to the Supreme Court.

Appeal to the Supreme Court

No injunction
except upon
notice and
after hearing.

Exclusive jurisdic-
tion.

Obedience to
court orders.

Court proceedings
by commission.

Section 31. No injunction shall issue modifying, suspending, staying, or annulling any order of the commission, or of a commissioner, except upon notice to the commission and after cause shown upon a hearing. The court of Common Pleas of Dauphin County is hereby clothed with exclusive jurisdiction throughout the Commonwealth of all proceedings for such injunctions, subject to an appeal to the Supreme Court as aforesaid. Whenever the commission shall make any rule, regulation, finding, determination, or order under the provisions of this act the same shall be and remain conclusive upon all parties affected thereby, unless set aside, annulled, or modified in an appeal or proceeding taken as provided in this act.

Section 32. Every public service company, its officers, agents, and employees, affected by any final order of the commission or any final order of the Court of Common Pleas of Dauphin County, or of the Supreme Court, shall obey, observe, and comply with such order, and with the terms and conditions thereof, so long as the same shall be and remain in force.

Section 33. Whenever the commission shall be of opinion that any public service company is violating or is about to violate any provision of this act; or has done or is about to do any act, matter, or thing herein prohibited or declared to be unlawful; or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect or refuse, to perform, any duty enjoined upon it by this act; or has failed, omitted, neglected, or refused or is about to fail, omit, neglect, or refuse, to obey any lawful requirement or final order made by the commission; or any final judgment, order, or decree made by the Court of Common Pleas of Dauphin County, or by the Supreme Court,—then, and in every such case, the commission may, by its counsel or assistant counsel, institute in the name of the commission, in the Court of Common Pleas of Dauphin County, injunction, mandamus, or other appropriate legal proceedings, to restrain such violations of the provisions of this act, or of the orders of the commission, and to enforce obedience thereto; and the said court of common pleas is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions.

Court proceedings
by Attorney
General.

Section 34. The Attorney General, in addition to the exercise of the powers and duties now conferred upon him by law, shall also, upon request of the commission, or of his own motion, proceed, in the name of the Commonwealth, by mandamus, injunction, or quo warranto, or other appropriate remedy at law or in equity, to restrain violations of the provisions of this

act, or of the orders of the commission, or of the judgment, orders, or decrees of said court or to enforce obedience thereto.

Section 35. If any public service company shall violate any of the provisions of this act, or shall do any matter or thing herein prohibited; or shall fail, omit, neglect, or refuse to perform any duty enjoined upon it by this act; or shall fail, omit, neglect, or refuse to obey, observe, and comply with any final direction, requirement, determination, or order made by the commission; or to comply with any final judgment, order, or decree made by the Court of Common Pleas of Dauphin county or the Supreme Court,—such public service company, for such violation, omission, failure, neglect, or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars; to be recovered by an action of assumpsit, instituted in the name of the Commonwealth of Pennsylvania, in the said Court of Common Pleas of Dauphin County, which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions.

Violation by public service companies.

Penalty.

In construing and enforcing the provisions of this section, the violation, omission, failure, neglect, or refusal of any officer, agent, or other person acting for or employed by any such public service company, acting within the scope of his employment, shall, in every case, be deemed to be the violation, omission, failure, neglect, or refusal of such public service company.

Exclusive jurisdiction.

.Section 36. Each and every day's continuance in the violation of any final direction, requirement, determination, or order of the commission, or of any final judgment, order, or decree made by the Court of Common Pleas of Dauphin County, or by the Supreme Court, shall be a separate and distinct offense: Provided however, That if any interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter, or thing done in violation of such final direction, requirement, determination, or order, or decree, so superseded or enjoined, for the period of time such order or supersedeas or injunction is in force.

Separate offenses.

Section 37. Any president, secretary, treasurer, or other officer of any public service company, who shall knowingly affix his name or attestation to any certificate of stock, trust certificate, corporate bond, note, or other evidence of indebtedness, or other security issued by any public service company; or any director who shall knowingly assent to the issue of any such certificate of stock, trust certificate, corporate bond, note,

Unlawful issue of securities, etc.

Penalty.

or other evidence of indebtedness, or other security of any such public service company; in violation of any of the provisions or requirements of this act, or of section seven of article sixteen of the Constitution; or any officer or director knowingly making or assenting to any false statement in any certificate of notification required to be made to the commission by subsections (b) or (c) of section four of article three of this act,—shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine not exceeding five thousand dollars, or undergo an imprisonment in the county jail for a term not exceeding five years, either or both, in the discretion of the court.

Penalty.

Section 38. Each and every director, president, secretary, treasurer, or other officer, agent, or employee, of any public service company, who shall knowingly make or assent to any application or disposition of any stocks, trust certificates, bonds, notes, or other evidence of indebtedness or other securities, or the proceeds of the sale or pledge thereof, or any part thereof, in violation of any statement or contrary to any purpose in relation thereto set forth or contained in any certificate of notification; or who shall by any false statements, oral or written, knowingly make, procure, or seek to procure of the commission the making or issuing of, any certificate herein provided; or who shall knowingly make or assent to any false statement in any report or account to the Commission as to the disposition or application of the proceeds, or any part thereof, of any sale or pledge of any stocks, trust certificates, bonds, notes, or other evidences of indebtedness or other securities,—shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine not exceeding five thousand dollars, or undergo an imprisonment in the county jail for a term not exceeding five years, either or both, in the discretion of the court.

Violation of the commission's orders by officers, etc., of public service companies.

Penalty.

Section 39. Any person, whether an officer, agent, or employee of any public service company or not, or any corporation, who shall knowingly fail, omit, neglect, or refuse to obey, observe, and comply with any final order, direction, or requirement of the commission, or with any final order or decree of the said Court of Common Pleas of Dauphin county, or of the Supreme Court; or who shall knowingly procure, aid, or abet any such violation, omission, failure, neglect, or refusal,—shall be guilty of a misdemeanor, and upon conviction thereof in any court of quarter sessions of competent jurisdiction shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not less than one month, nor more

than twelve months, either or both, at the discretion of the court; and upon conviction of any subsequent offense shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not less than three months, nor more than eighteen months, either or both, at the discretion of the court.

Section 40. If any public service company shall do or cause to be done any act, matter, or thing prohibited or declared to be unlawful by this act, or shall refuse, neglect, or omit to do any act, matter, or thing enjoined or required to be done by this act, such public service company shall be liable to the person or corporation injured thereby in the full amount of damages sustained in consequence thereof: Provided, That the liability of public service companies for negligence, as heretofore established by statute or by common law, shall not be held or construed to be altered or repealed by any of the provisions of this act: And provided further, That the recovery in this section authorized shall in no manner affect a recovery by the Commonwealth of the penalty prescribed for the aforesaid violations of this act.

Civil liability of public service companies.

Proviso.

Proviso.

Section 41. No public service company, nor any officer, agent, or employee thereof, shall be liable for any penalty or forfeiture, or be subject to any prosecution, on account of demanding collecting, or receiving any rate, fare, or charge for any service or product rendered or furnished by it, or for enforcing any rule, regulation, or practice, when such rate, fare, charge, rule, regulation, or practice is contained in the tariffs and schedules properly filed with the commission, and posted or published as herein provided, and is applicable by the terms thereof at the time to the said service or product rendered or furnished, although such rate may be found by the commission to be unjust, unreasonable, unjustly discriminatory or unduly preferential.

Liability to penalty or forfeiture for demanding rates, fares, etc.

Section 42. All suits, remedies, prosecutions, penalties, and forfeitures provided for or accruing under this act shall be cumulative.

Remedies, etc., cumulative.

Section 43. All fines imposed and all penalties recovered under the provisions of this act shall be paid to the secretary of the commission, and by him paid into the State Treasury.

Fines, etc., payable to secretary.

Section 44. No action for the recovery of any penalties or forfeitures incurred under the provisions of this act, and no prosecutions on account of any matter or thing concerned in this act, shall be maintained unless brought within three years from the date at which the liability therefor arose, except as otherwise herein provided.

Limitation of time for beginning actions.

Section 45. Nothing in this act shall be construed to impair the powers and duties of the Secretary of Inter-

Other govern-
mental agencies
unaffected.

nal Affairs in the exercise of the general supervision over railroads, canals, and other transportation companies vested in him by the Constitution and laws of this Commonwealth; nor shall this act or any provision therein be construed to deprive the Department of Health of this Commonwealth or the Water Supply Commission of Pennsylvania of any jurisdiction, powers, or duties, now vested in them, or either of them, by the laws of this Commonwealth.

Certified copies
original evidence.

Section 46. Copies of all official documents filed or deposited according to law in the office of the commission, certified by the secretary under the seal of the commission, shall be received in evidence in like manner and with the same effect as the originals; and a like certified copy of the testimony and proceedings, or any specific part thereof, shall be received in evidence in any court with the same effect as if the said secretary were present and testified to the facts set forth in his certificate.

Fees collectible
by the com-
mission.

Section 47. The commission shall charge and collect the following fees for copies of all official orders, documents, papers, records, et cetera:—

For copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio of one hundred words.

For certified copies of official documents and orders filed in its office, fifteen cents for each folio of one hundred words, and one dollar for each certificate, under seal, affixed thereto.

For copies of testimony and proceedings taken or had before the commission or a commissioner, not required to be certified or otherwise authenticated by the commission, ten cents for each folio of one hundred words.

For certified copies of testimony and proceedings taken or had before the commission or commissioner, fifteen cents for each folio of one hundred words, and one dollar for each certificate, under seal, affixed thereto.

For certifying a copy of any report made by any public service company to the commission, two dollars.

For each certified copy of the annual report of the commission, one dollar and fifty cents.

No fee shall be charged or collected for copies of papers, records, official documents, testimony, or proceedings furnished to public officers for use in their official capacity, nor for the annual report of the commission in the ordinary course of distribution. All fees charged and collected by the commission shall be paid into the State Treasury.

Annual report.

Section 48. The commission shall make an annual report, on or before the second Monday of May in each year, to the Governor; and a duplicate thereof shall be

filed with the Secretary of Internal Affairs, which report shall contain:—

First.—A record of its meetings and an abstract of its proceedings during the preceding year.

Second.—The results of any examinations or investigations made by it.

Third.—Such statements, facts, and explanations as will disclose the actual workings and operations of public service companies in their relation to the business and prosperity of the Commonwealth; and such suggestions as to the general policy of the Commonwealth, or the amendment of its laws in respect to said companies, or the condition, affairs or conduct of any public service company, as may seem to it appropriate.

Fourth.—Drafts of all bills suggested or recommended by it, and the reasons therefor.

Fifth.—Such tables and abstracts of the reports of public service companies as it may deem expedient.

Sixth.—A statement in detail of the traveling and other expenses and disbursements of the commissioners and their appointees and employees.

Five thousand copies of the report shall be printed and bound in cloth, as a public document of the Commonwealth, for the use of the commissioners, and to be distributed by them, in their discretion, to the officers of the public service companies and other persons interested therein.

Section 49. The provisions of this act, except when specifically so provided, shall not apply or be construed to apply to commerce with foreign nations or among the several states, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress.

Application of
act.

Section 50. It is hereby declared that the provisions of this act are severable one from another, and severable as to the public service companies and subject-matters respectively dealt with thereby; and if for any reason one or more of such provisions be judicially held to be unconstitutional as applicable to any particular public service company or subject-matter dealt with by such provision, or be held unconstitutional in anywise for any reason, such holding or decision shall not affect the validity of such provision or provisions as applicable to other public service companies or subject-matters dealt with thereby, or the validity of the remaining provisions of this act. It is hereby declared that the said provision, and the said remaining provisions, would have been enacted notwithstanding such judicial determination of the invalidity of any of said particular provision or provisions in any respect.

Severability.

Section 51. The act, entitled "An act to provide for the appointment of a Railroad Commission; prescribing the membership of said commission, the manner

Repeals.

and term of the appointment of its members; defining their powers and duties with reference to common carriers, and in relation to making recommendations to the Attorney General and Secretary of Internal Affairs concerning the regulation, control, and management of common carriers within the Commonwealth; defining what the term 'common carrier' shall include: providing for the appointment of subordinate officers and the employment of expert and clerical employes by said commission; fixing the salaries of the members of said commission and its subordinate officers; providing for the compensation of its employes; limiting the annual expense of said commission; and making an appropriation for the payment thereof," approved the thirty-first day of May, Anno Domini one thousand nine hundred and seven (Pamphlet Laws, three hundred thirty-seven), be and the same is hereby, repealed; said repeal to take effect the first day of July, nineteen hundred and thirteen; and sections one and two of the act, approved the fourth day of June one thousand eight hundred and eighty-three, entitled "An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals;" and the act, approved May twenty-fourth, one thousand nine hundred and seven, entitled "An act to provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading of cars, and fixing the free time that shall be allowed after unloading cars;" and the proviso of clause three, and the provisos of clause seven of section thirty-four, of the act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four (Pamphlet Laws, seventy-three); and all other acts or parts of acts, inconsistent herewith or supplied hereby, be, and the same are also hereby, repealed. Provided, That the repeal of sections one and two of said act of June four, one thousand eight hundred and eighty-three shall not affect actions for violation of said act of June four, one thousand eight hundred and eighty-three, instituted prior to the passage of this act.

Act of May 31,
1907, cited for
repeal.

Sections 1 and 2,
act of June 4,
1883, cited for
repeal.

Act of May 24,
1907, cited for
repeal.

Part of section
34, of the act of
April 29, 1874,
cited for repeal.

Repeal.

Proviso.

Transfer of prop-
erty, books, etc.

Section 52. The Pennsylvania State Railroad Commission shall, on July first, nineteen hundred and thirteen, transfer and deliver to the Public Service Commission hereby created all property, books, maps, papers, files, records, pleadings in pending cases, reports, and other documents in its possession and belonging to it. The Public Service Commission is hereby authorized to take possession thereof.

Section 53. The act entitled "An act to promote the safety of travelers and employes upon railroads, by

compelling common carriers by railroad to properly man their trains," approved the nineteenth day of June, Anno Domini one thousand nine hundred and eleven, shall remain in full force and effect, except that section nine thereof, which reads as follows "Section nine. It shall be the duty of the State Railroad Commission of the Commonwealth to enforce the provisions of this act," shall be, and is hereby amended so as to read as follows Section nine. It shall be the duty of the Public Service Commission of the Commonwealth of Pennsylvania to enforce the provisions of this act.

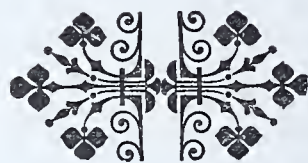
Section 7, act of
June 19, 1911,
cited for amend-
ment.

Section 54. This act shall take effect the first day of January, Anno Domini one thousand nine hundred and fourteen, and not before, except that it shall be lawful for the appointment of the commissioners to be made, and for the commission to organize, and to appoint such officers and employes as hereinabove provided. The commission shall be appointed, and shall organize and make such appointments and establish its offices as hereinabove provided, and make such general rules and orders under this act, effective when this act becomes effective, as it may deem wise or proper, on or before the first day of October, Anno Domini one thousand nine hundred and thirteen; from and after which latter date it shall be the duty of every public service company to file with the commission, if required, and publish and post its tariffs or schedules and its rules and regulations affecting its contracts and classifications, as hereinabove provided: Provided, That the said commission when appointed as aforesaid shall have power to hear and determine any pending cases transferred to it by The Pennsylvania State Railroad Commission, and to dispose of the unfinished business of said State Railroad Commission And provided, That section eleven of article three shall become effective upon the approval of this act. The salaries of the commissioners shall begin on July first, one thousand nine hundred and thirteen, or on such later date as they may respectively qualify as such commissioners; and the salaries and compensation of the officers and employes of the commission shall begin when such officers and employes, respectively, are appointed or employed and enter upon the discharge of their duties.

Time this act
shall go into
effect.

Approved—The 26th day of July, A. D. 1913.

JOHN K. TENER.



ACT AMENDING THE PUBLIC SERVICE COMPANY LAW.

No. 345.

AN ACT

To amend section four of article four, and sections seventeen, twenty-nine, thirty, thirty-two, thirty-three, thirty-five, thirty-six, and thirty-nine of article six, of an act known as The Public Service Company Law, approved the twenty-sixth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, thirteen hundred and seventy-four), so as to authorize The Public Service Commission of the Commonwealth of Pennsylvania to appoint examiners to take testimony and evidence in any locality in the Commonwealth designated by the commission; and to provide for the taking of appeals from the findings, determinations, or orders of the commission to the Superior Court, instead of to the court of common pleas of Dauphin County; vesting in the Superior Court the jurisdiction to hear and determine said appeals, which is now vested in said court of common pleas of Dauphin County, the same to be subject to an appeal to the Supreme Court; and so as to make the other necessary changes, due to the said substitution of the Superior Court of Pennsylvania for the court of common pleas of Dauphin County, as the court by which appeals from the findings, determinations, and orders of the commission shall be determined.

Section 1. Be it enacted, &c., That section four of article four of an act known as The Public Service Company Law, approved the twenty-sixth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, thirteen hundred and seventy-four), which reads as follows:—

Public Service
Commission.

“Section 4. Any investigation, inquiry, or hearing which the commission has power to undertake or hold may be undertaken or held by or before any one of the commissioners, upon condition, however, that such commissioner shall have been authorized by the commission to undertake or hold such investigation, inquiry, or hearing. All investigations, inquiries, or hearings, before or by any such commissioner, shall be, and be deemed to be, the investigations, inquiries, and hearings of the commission. Any determinations, rulings, or orders of a commissioner, upon any such investigation, inquiry, or hearing undertaken or held by him, shall not become and be effective until approved and confirmed by at least a quorum of the commission and ordered to be filed in its office. Upon such confirmation and order, such determination, ruling, or order shall be the determination, ruling, or order of the commission, be and the same hereby is amended so as to read as follows:—

Section 4, article
4, act of July
26, 1913 (P. L.
1397), cited for
amendment.

Section 4. Any investigation, inquiry, or hearing which the commission has power to undertake or hold may be undertaken or held by or before any one *or more* of the commissioners, upon condition, however, that such commissioner *or commissioners* shall have been authorized^o by the commission to undertake or hold such investigation, inquiry, or hearing. All investigations, inquiries, or hearings, before or by any

Powers of any
one commissioner.

such commissioner *or commissioners*, shall be, and be deemed to be, the investigations, inquiries, and hearing of the commission. Any determination, ruling, or order of a commissioner *or commissioners*, upon any such investigation, inquiry, or hearing undertaken or held by him *or them*, shall not become and be effective until approved and confirmed by at least a quorum of the commission and ordered to be filed in its office. Upon such confirmation and order, such determination, ruling, or order shall be the determination, ruling or order of the commission. In any investigation, inquiry, or hearing now pending, or which may hereafter be instituted, the commission is hereby authorized to employ a special agent or examiner, who shall have power to administer oaths, and examine witnesses, and receive evidence in any locality which the commission, having regard to the public convenience and the proper discharge of its functions and duties, may designate. The testimony and evidence so taken or received shall have the same force and effect as if taken or received by the commission, or any one or more of the commissioners, as above provided.

Special agent or
examiner.

Section 17, article
6, act of July 26,
1913 (P. L. 1424),
cited for
amendment.

Section 3. That section seventeen of article six of said act, which reads as follows:—

“Section 17. Within thirty days after the filing of any finding or determination by the commission, or after the date of service of any order,—unless an application for a rehearing may be pending, and then within thirty days after the refusal of such application,—or the entry of an order modifying, amending, rescinding, or affirming the original finding, determination, or order, any party to the proceedings affected thereby may appeal therefrom to the *court of common pleas of Dauphin County*: Provided, That there shall be no appeal from any order for reparation made by the commission, but the suit may be brought as hereinbefore provided. The said court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining any and all said appeals: Provided, That in case of an appeal from the award of damages or compensation by the commission, under any of the provisions of this act, the appeal shall, in case any party is entitled to demand a jury trial under section eight of article sixteen of the Constitution of this Commonwealth, be to the courts of the proper county thereof, but in all other cases shall be to the said *court of common pleas of Dauphin County*. If an appeal be made to any court other than the *court of common pleas of Dauphin County*, the case shall be proceeded with therein accordance with the practice and procedure made and provided in such cases. In case of any appeal from the award by the commission of damages or compensation for property taken, injured, or de-

stroyed, where the commission shall have power to apportion the amount thereof among, or direct the payment thereof by, any public service companies or municipal corporations concerned, any such public service company or municipal corporation may intervene and be heard in the trial of such appeal, under such rules and regulations as the court in which the said appeal may be pending shall prescribe. All appeals to the *court of common pleas of Dauphin County* shall be by petition to said court, setting forth specifically and concisely the error or errors assigned to the finding, determination, or order of the commission; which petition shall be accompanied by a copy of the original complaint, if any, filed with the commission, as well as a copy of the ruling, determination, or order of the commission appealed from; and shall also be accompanied by affidavit of the party or parties appellant, or if its, his, her, or their agent or attorney, that the appeal is not taken for the purpose of delay, but because the appellant or appellants verily believe that injustice has been done. Each error relied on must be specified particularly and set forth in a separate numbered paragraph of the petition," be and the same hereby is amended so as to read as follows:—

Section 17. Within thirty days after filing of any finding or determination by the commission, or after the date of service of any order,—unless an application for a rehearing may be pending, and then within thirty days after the refusal of such application,—or the entry of an order modifying, amending, rescinding, or affirming the original finding, determination, or order, any party to the proceedings affected thereby may appeal therefrom to the *Superior Court*: Provided, That there shall be no appeal from any order for reparation made by the commission, but the suit may be brought as hereinbefore provided. The said court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining any and all said appeals: Provided, That in case of an appeal from the award of damages or compensation by the commission, under any of the provisions of this act, the appeal shall, in case any party is entitled to demand a jury trial under section eight of article sixteen of the Constitution of this Commonwealth, be to the courts of the proper county thereof, but in all other cases shall be to the said *Superior Court*. If an appeal be made to any court other than the Superior Court, the case shall be proceeded with therein in accordance with the practice and procedure made and provided in such cases. In case of any appeal from the award by the commission of damages or compensation for property taken, injured, or destroyed, where the commission shall have power to apportion the amount thereof

Appeal to the
Superior Court.

Proviso.

Exclusive juris-
diction.

Proviso.

Procedure.

Appeal from
award.

Intervention.

Petition.

Affidavit.

Specification of error.

Section 29, article 6, act of July 26, 1913 (P. L. 1428), cited for amendment.

Trial by jury unaffected.

Section 30, article 6, act of July 26, 1913 (P. L. 1428), cited for amendment.

among, or direct the payment thereof by, any public service companies or municipal corporations concerned, any such public service company or municipal corporation may intervene and be heard in the trial of such appeal, under such rules and regulations as the court in which the said appeal may be pending shall prescribe. All appeals to the *Superior Court* shall be by petition to said court, setting forth specifically and concisely the error or errors assigned to the finding, determination, or order of the commission; which petition shall be accompanied by a copy of the original complaint, if any, filed with the commission, as well as a copy of the ruling, determination, or order of the commission appealed from; and shall also be accompanied by affidavit of the party or parties appellant, or of its, his, her, or their agent or attorney, that the appeal is not taken for the purpose of delay, but because the appellant or appellants verily believe that injustice has been done. Each error relied on must be specified particularly and set forth in a separate numbered paragraph of the petition.

That section twenty-nine of article six of said act, which reads as follows:—

“Section 29. Nothing in this act contained shall be construed to deprive any party, upon any such appeal and judicial review of the proceedings and orders of the commission, of the right to trial by jury of any issue of fact raised thereby or therein, where such right is secured either by the Constitution of the Commonwealth or of the United States, but in every such case such right of trial by jury shall remain inviolate: Provided, however, That when any appeal is taken, such right shall be deemed to be waived upon all issues, unless expressly reserved in such reasonable manner as shall be prescribed by the *court of common pleas of Dauphin County*,” be and the same hereby is amended so as to read as follows:—

Section 29. Nothing in this act contained shall be construed to deprive any party, upon any such appeal and judicial review of the proceedings and orders of the commission, of the right to trial by jury of any issue of fact raised thereby or therein, where such right is secured either by the Constitution of the Commonwealth or of the United States, but in every such case such right of trial by jury shall remain inviolate: Provided, however, That when any appeal is taken, such right shall be deemed to be waived upon all issues, unless expressly reserved in such reasonable manner as shall be prescribed by the *Superior Court*.

That section thirty of article six of said act, which reads as follows:—

“Section 30. Any party to the record, aggrieved by the final judgment, order, or decree of the aforesaid *proper court of common pleas*, may appeal therefrom

to the Supreme Court. Such appeal shall be taken and prosecuted in the same manner and form, and with the same effect, as is provided in other cases of appeal to the Supreme Court," be and the same hereby is amended so as to read as follows:—

Section 30. Any party to the record, aggrieved by the final judgment, order, or decree of the aforesaid *Superior Court*, or of the court of the county, whenever under the provisions of this act an appeal may in the first instance be taken to said court, may appeal therefrom to the Supreme Court. Such appeal shall be taken and prosecuted in the same manner and form, and with the same effect, as is provided in other cases of appeal to the Supreme Court *from the courts of common pleas of the Commonwealth*.

Appeal to the
Supreme Court.

Procedure.

That section thirty-two of article six of said act, which reads as follows:—

"Section 32. Every public service company, its officers, agents, and employes, affected by any final order of the commission or any final order of the *court of common pleas of Dauphin County*, or of the Supreme Court, shall obey, observe, and comply with such order, and with the terms and conditions thereof, so long as the same shall be and remain in force," be and the same hereby is amended so as to read as follows:—

Section 32, article
6, act of July 26,
1913 (P. L. 1429),
cited for
amendment.

Section 32. Every public service company, its officers, agents, and employes, affected by any final order of the commission or any final order of the *Superior Court*, or of the Supreme Court, shall obey, observe, and comply with such order, and with the terms and conditions thereof, so long as the same shall be and remain in force.

Obedience to court
orders.

That section thirty-three of article six of said act, which reads as follows:—

"Section 33. Whenever the commission shall be of opinion that any public service company is violating or is about to violate any provision of this act; or has done or is about to do any act, matter, or thing herein prohibited or declared to be unlawful; or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to perform any duty enjoined upon it by this act; or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to obey any lawful requirement or final order made by the commission; or any final judgment, order, or decree made by the *court of common pleas of Dauphin County*, or by the Supreme Court,—then, and in every such case, the commission may, by its counsel or assistant counsel, institute in the name of the commission, in the court of common pleas of Dauphin County, injunction, mandamus, or other appropriate legal proceedings, to restrain such violations of the provisions of this act, or of the orders of the com-

Section 33, article
6, act of July 26,
1913 (P. L. 1429).
cited for
amendment.

mission, and to enforce obedience thereto; and the said court of common pleas is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions," be and the same hereby is amended so as to read as follows:—

Court proceedings
by commission.

Section 33. Whenever the commission shall be of opinion that any public service company is violating or is about to violate any provision of this act; or has done or is about to do any act, matter, or thing herein prohibited or declared to be unlawful; or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to perform any duty enjoined upon it by this act; or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to obey any lawful requirement or final order made by the commission; or any final judgment, order, or decree made by the *Superior Court* or by the *Supreme Court*,—then and in every such case the commission may, by its counsel or assistant counsel, institute in the name of the commission, in the court of common pleas of Dauphin County, injunction, mandamus, or other appropriate legal proceedings, to restrain such violations of the provisions of this act, or of the orders of the commission, and to enforce obedience thereto; and the said court of common pleas is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions.

That section thirty-five of article six of said act, which reads as follows:—

Section 35, article
6, act of July 26,
1913 (P. L. 1430),
cited for
amendment.

"Section 35. If any public service company shall violate any of the provisions of this act, or shall do any matter or thing herein prohibited; or shall fail, omit, neglect, or refuse, to perform any duty enjoined upon it by this act; or shall fail, omit, neglect, or refuse to obey, observe, and comply with any final direction, requirement, determination, or order made by the commission; or to comply with any final judgment, order, or decree made by the *court of common pleas of Dauphin County* or the *Supreme Court*,—such public service company, for such violation, omission, failure, neglect, or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars; to be recovered by an action of assumpsit, instituted in the name of the Commonwealth of Pennsylvania, in the said court of common pleas of Dauphin County, which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions.

"In construing and enforcing the provisions of this section, the violation, omission, failure, neglect, or refusal of any officer, agent, or other person acting for or employed by any such public service company, acting within the scope of his employment, shall in

every case, be deemed to be the violation, omission, failure, neglect, or refusal of such public service company," be and the same hereby is amended so as to read as follows:—

Section 35. If any public service company shall violate any of the provisions of this act, or shall do any matter or thing herein prohibited; or shall fail, omit, neglect, or refuse, to perform any duty enjoined upon it by this act; or shall fail, omit, neglect, or refuse to obey, observe, and comply with any final direction, requirement, determination, or order made by the commission; or to comply with any final judgment, order, or decree made by the *Superior Court* or the *Supreme Court*,—such public service company, for such violation, omission, failure, neglect, or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars; to be recovered by an action of assumpsit, instituted in the name of the Commonwealth of Pennsylvania, in the court of common pleas of Dauphin County, which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions.

Violations by public service companies.

Penalty.

In construing and enforcing the provisions of this section, the violation, omission, failure, neglect, or refusal of any officer, agent, or other person acting for or employed by any such public service company, acting within the scope of his employment, shall, in every case be deemed to be the violation, omission, failure, neglect, or refusal of such public service company.

Exclusive jurisdiction.

That section thirty-six of article six of said act, which reads as follows:—

"Section 36. Each and every day's continuance in the violation of any final direction, requirement, determination, or order of the commission, or of any final judgment, order, or decree made by the *court of common pleas of Dauphin County*, or by the *Supreme Court*, shall be a separate and distinct offense: Provided, however, That if any interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter, or thing done in violation of such final direction, requirement, determination, or order, or decree, so superseded or enjoined, for the period of time such order or supersedeas or injunction is in force," be and the same hereby is amended so as to read as follows:—

Section 36, article 6, act of July 26, 1913 (P. L. 1430), cited for amendment.

Section 36. Each and every day's continuance in the violation of any final direction, requirement, determination, or order of the commission, or of any final judgment, order, or decree made by the *Superior Court* or by the *Supreme Court*, shall be a separate and distinct offense: Provided, however, That if any

Separate offenses.

interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter, or thing done in violation of such final direction, requirement, determination, or order, or decree, so superseded or enjoined, for the period of time such order or supersedeas or injunction is in force.

That section thirty-nine of article six of said act, which reads as follows:—

Section 39, article 6, act of July 26, 1913 (P. L. 1431), cited for amendment.

“Section 39. Any person, whether an officer, agent, or employe of any public service company or not, or any corporation, who shall knowingly fail, omit, neglect, or refuse to obey, observe, and comply with any final order, direction or requirement of the commission or with any final order of decree of the said *court of common pleas of Dauphin County*, or of the Supreme Court; or who shall knowingly procure, aid, or abet any such violation, omission, failure, neglect, or refusal,—shall be guilty of a misdemeanor, and upon conviction thereof in any court of quarter sessions of competent jurisdiction shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not less than one month, nor more than twelve months, either or both, at the discretion of the court; and upon conviction of any subsequent offense shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not less than three months, nor more than eighteen months, either or both, at the discretion of the court,” be and the same hereby is amended so as to read as follows:—

Violation of the commission's orders by officers, etc., of public service companies.

Section 39. Any person, whether an officer, agent, or employe of any public service company or not, or any corporation, who shall knowingly fail, omit, neglect, or refuse to obey, observe, and comply with any final order, direction, or requirement of the commission, or with any final order or decree of the said *Superior Court* or of the Supreme Court; or who shall knowingly procure, aid, or abet any such violation, omission, failure, neglect, or refusal,—shall be guilty of a misdemeanor, and upon conviction thereof in any court of quarter sessions of competent jurisdiction shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not less than one month, nor more than twelve months, either or both, at the discretion of the court; and upon conviction of any subsequent offense shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not less than three months, nor more than eighteen months, either or both, at the discretion of the court.

APPROVED—The 3d day of June, A. D. 1915.

MARTIN G. BRUMBAUGH.

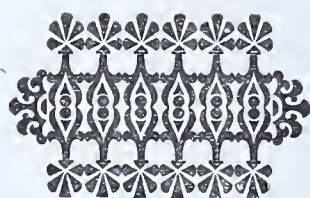
N O T E .

The following detailed index to the provisions of The Public Service Company Law has been prepared for the convenience of the Public, the Public Service Companies and Counsel in acquiring familiarity with the new Act.

Subjects as dealt with by the Act are classified and grouped under the several items of the index, and cross-references are made to co-related provisions.

The index is arranged and published by direction of the Commission for convenience of reference only, and nothing contained therein is to be construed as amounting to an official or administrative interpretation, by the Commission, of any of the provisions of the Act.

WILLIAM N. TRINKLE,
Counsel.



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